JOURNAL

of the

HOUSE OF REPRESENTATIVES

of the

COMMONWEALTH OF KENTUCKY

Regular Session of 1958

Volume I

Held in the State Capitol in the Capital City of Kentucky, at
Frankfort, in the Year of Our Lord 1958 and
in the One Hundred and Sixty-Sixth
Year of the Commonwealth

Begun on the Seventh Day of January, 1958, and Adjourned
Sine Die on the Twenty-First Day of March, 1958

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JOURNAL
OF THE
House of Representatives
OF THE
COMMONWEALTH OF KENTUCKY

TUESDAY, JANUARY 7, 1958

FIRST LEGISLATIVE DAY

At a General Assembly of the Commonwealth of Kentucky, held at the Capitol in the City of Frankfort, and begun on January 7, 1958, the one hundred and sixty-sixth year of the Commonwealth, in accordance with the provisions of the Constitution, Mr. James Cubbage, Clerk of the House of Representatives, assumed the Chair and called the House to order.

Prayer by the Reverend Fred T. Moffatt, of the First Baptist Church, of Frankfort.

Mr. James Cubbage, Clerk of the House read the following certificate from the Secretary of State:

CERTIFICATION

I, Thelma L. Stovall, Secretary of State of the Commonwealth of Kentucky, do hereby certify that the attached is a list of the membership of the House of Representatives as compiled by this office, according to the records on file in said office and from the best information obtainable; and that same is a true and correct copy as I verily believe.

Given under my hand and seal of office, this 7th day of January, 1958.

THELMA L. STOVALL
Secretary of State
Commonwealth of Kentucky

STATE REPRESENTATIVES

1. Hickman-Fulton. Huston (Jack) Johnson, Democrat, Clinton.
2. Carlisle-Ballard. George H. Lovelace, Democrat, Barlow.
3. Graves. Lon Carter Barton, Democrat, Mayfield.
4. McCracken. Charles Allen Williams, Democrat, 426 No. 36th St., Paducah.
5. McCracken. R. C. McGuire, Jr., Democrat, 2601 Bridge St., Paducah.
6. Marshall-Lyon. Shelby McCallum, Democrat, Benton.
7. Calloway. Owen Billington, Democrat, Murray.
8. Trigg-Caldwell. Joe E. Nunn, Democrat, Cadiz.
9. Christian. T. Fowler Combs, Democrat, Pembroke.
10. Hopkins. Edgar F. Arnold, Jr., Democrat, Madisonville.
11. Livingston-Crittenden. Everett E. Cook, Democrat, Smithland.
12. Union. Will Tom Wathen, Democrat, Morganfield.
13. Webster-McLean. Richard "Hoppy" Hopkins, Democrat, Calhoun.
14. Henderson. J. A. Clore, Democrat, 816 So. Elm St., Henderson.
15. Daviess. Patrick Tanner, Democrat, 2002 Mayfair Dr., Owensboro.
16. Daviess. R. Douglas Ford, Democrat, Rt. 5, Owensboro.
17. Muhlenberg. James P. Hahn, Democrat, 305 Bank St., Greenville.
18. Ohio-Hancock. Wayland Render, Republican, Centertown.
19. Todd. Orville F. Finney, Democrat, Guthrie.
20. Logan. Paul Young, Democrat, Olmstead.
21. Allen-Simpson. Willie McReynolds, Democrat, Scottsville.
22. Warren. Paul R. Huddleston, Democrat, Bowling Green.
23. Butler-Edmonson. Walter F. Davis, Republican, Brownsville.
24. Grayson. Homer Hodges, Republican, Leitchfield.
25. Hardin. Paul Ford Davis, Democrat, White Mills.
26. Meade-Breckinridge. Ralph O. Stith, Democrat, Guston.
27. Barren. James H. Newberry, Democrat, Hiseville.
28. Monroe-Metcalfe. Wallace Bartley, Republican, Summer Shade.
29. Adair-Green. Ben Burress, Republican, Greensburg.
30. Marion-Taylor. C. J. Richards, Democrat, Lebanon.
31. Larue-Hart. Vernon Reed, Democrat, Hodgenville.
32. Nelson-Anderson. Alvan W. Wells, Democrat, Bardstown.
33. Spencer-Bullitt. D. C. Casey, Jr., Democrat, Mt. Eden.
34. Jefferson. Marlow W. Cook, Republican, 104 Ashland Rd., Louisville.
35. Jefferson. Thomas L. Ray, Democrat, 3 Club Hill Dr., Fairdale 2.
36. Jefferson. Wm. J. Crecelius, Democrat, 325 So. Peterson, Louisville.
37. Jefferson. Frank W. Burke, Democrat, 1234 Eastern Pkwy., Louisville.
38. Jefferson. Clarence R. Miller, Democrat, 614 East Brandeis, Louisville.
39. Jefferson. John W. Farmer, Democrat, 1481 St. James Ct., Louisville.

40. Jefferson. Edwin A. Rausch, Democrat, 625 Floral Terrace, Louisville.
41. Jefferson. Chas. E. Baumgardner, Sr., Democrat, 3915 Taylor Blvd., Louisville.
42. Jefferson. Rev. Felix S. Anderson, Democrat, 650 So. 21st St., Louisville.
43. Jefferson. Albert Steiger, Jr., Democrat, 2324 Greenwood, Louisville.
44. Jefferson. Eulick (Mike) Walsh, Democrat, 749 So. 39th St., Louisville.
45. Mercer-Washington. Jack Raybourne, Jr., Democrat, Springfield.
46. Boyle-Garrard. Ed Kubale, Jr., Democrat, Danville.
47. Madison. Jerry W. Parrish, Democrat, Richmond.
48. Jessamine-Woodford. Robert L. Gullette, Democrat, Nicholasville.
49. Fayette. John B. Breckinridge, Democrat, 1100 Fincastle Rd., Lexington.
50. Fayette. Foster Ockerman, Democrat, 312 Security Tr. Bldg., Lexington.
51. Franklin. Alton Moore, Democrat, Frankfort.
52. Shelby. Paul T. Ratcliffe, Democrat, Shelbyville.
53. Oldham-Trimble. Otis R. Chaudoin, Democrat, Pewee Valley.
54. Gallatin-Boone. T. Herbert Tinsley, Democrat, Warsaw.
55. Grant-Owen. Ed Thomas, Democrat, Dry Ridge.
56. Harrison-Scott. W. K. (Bill) Henry, Democrat, Georgetown.
57. Carroll-Henry. Roy Searcy, Democrat, Carrollton.
58. Kenton. Gilbert W. Kingsbury, Democrat, Ft. Mitchell.
59. Kenton. Vernor Cottengim, Democrat, Covington.
60. Kenton. John J. Isler, Democrat, 1813 Jefferson, Covington.
61. Kenton. Thos. P. Fitzpatrick, Democrat, 305 W. 6th St., Covington.
62. Campbell. Charles W. Wirsch, Republican, 2409 Alexandria Pike, Highland Heights.
63. Campbell. Morris Weintraub, Democrat, 321 York St., Newport.
64. Pendleton-Bracken. Finnell L. Fields, Democrat, Brooksville.
65. Mason. Addison L. Everett, Democrat, Maysville.
66. Robertson-Fleming. True Mackey, Democrat, Mt. Olivet.
67. Bourbon-Nicholas. Brooks Hinkle, Democrat, Paris.
68. Clark. William W. Haley, Democrat, Winchester.
69. Montgomery-Menifee. Stanley R. Thomas, Democrat, Mt. Sterling.
70. Rowan-Bath. Charles H. Hart, Democrat, Sharpsburg.
71. Lewis. Hobart Rayburn, Republican, Vanceburg.
72. Greenup. James Wm. Lyon, Democrat, Greenup.
73. Carter. Roger E. Qualls, Republican, Olive Hill.
74. Knott-Magoffin. (Banjo) Bill Cornett, Democrat, Hindman.
75. Morgan-Wolfe. Edward E. Bach, Democrat, Campton.
76. Lee-Breathitt. Russell Reynolds, Democrat, Beattyville.
77. Estill-Powell. A. Floyd Bush, Democrat, Ravenna.
78. Jackson-Owsley. Carl R. Reynolds, Republican, Booneville.

79. Rockcastle. Murphy Whitehead, Republican, Brodhead.
80. Lincoln. Emery Wilson, Democrat, Stanford.
81. Casey-Russell. Orvin G. Coffey, Republican, Jamestown.
82. Clinton-Cumberland. Claude R. Willen, Republican, Burkesville.
83. Wayne-McCreary. Archie Brown, Republican, Stearns.
84. Pulaski. Leonard Hislope, Republican, Somerset.
85. Whitley. Warren Peace, Republican, Rockhold.
86. Laurel. Paul W. Cornett, Republican, Mershons.
87. Knox. Charles W. Buchanan, Republican, Barbourville.
88. Bell. Durham W. Howard, Republican, Pineville.
89. Harlan. W. A. Buckner, Republican, Evarts.
90. Harlan. H. Nick Johnson, Republican, Harlan.
91. Leslie-Clay. Clay Gay, Republican, Hyden.
92. Letcher. Hillard Kincer, Democrat, Neon.
93. Perry. Chester Duff, Republican, Hazard.
94. Pike. Jack Sowards, Republican, Shelbiana.
95. Pike. Dr. W. J. Smith, Democrat, Belfry.
96. Floyd. Sam Hale, Democrat, West Prestonsburg.
97. Floyd. Mrs. Ann Butcher Hall, Democrat, Bypro.
98. Johnson-Martin. Albert Dempsey, Republican, Inez.
99. Elliott-Lawrence. John W. Greene, Democrat, Sandy Hook.
100. Boyd. Harry King Lowman, Democrat, Ashland.

The roll was called. All Representatives present except Mr. Huston Johnson and Mr. Russell Reynolds.

The following Representatives produced their certificates of election, appeared before the Presiding Officer and were administered their oaths of office by Judge James Cammack, of the Court of Appeals of Kentucky:

Anderson, Rev. Felix S.
Arnold, Edgar F., Jr.
Bach, Edward E.
Bartley, Wallace
Barton, Lon Carter
Baumgardner, Charles E., Sr.
Billington, Owen
Breckinridge, John B.
Brown, Archie
Buchanan, Charles W.
Buckner, W. A.
Burke, Frank W.
Burress, Ben
Bush, A. F.
Casey, D. C., Jr.
Chaudoin, Otis R.
Clore, John Alves
Coffey, Orvin G.
Combs, T. Fowler
Cook, Everett E.
Cook, Marlow Webster
Cornett, "Banjo" Bill
Cornett, Paul W.
Cottengim, Vernor O.
Crecelius, William J.
Davis, Paul Ford
Davis, Walter F.
Dempsey, Albert
Duff, Chester
Everett, Addison L.
Farmer, John W.
Fields, Finnell L.
Finney, Orville F.

Fitzpatrick, Thomas P.
Ford, R. Douglas
Gay, Clay
Greene, John W.
Gullette, Robert L.
Hahn, James P.
Hale, Sam
Haley, William Weathers
Hall, Mrs. Ann B.
Hart, Charles H.
Henry, William K.
Hinkle, Brooks
Hislope, Leonard
Hodges, Homer
Hopkins, Richard
Howard, Durham W.
Huddleston, Paul R.
Isler, John J.
Johnson, H. Nick
Johnson, Huston (Jack)
Kincer, Hillard
Kingsbury, Gilbert W.
Kubale, Edwin, Jr.
Lovelace, George H.
Lowman, Harry King
Lyon, James William
McCallum, Shelby
McGuire, R. C., Jr.
McReynolds, Willie
Mackey, True
Miller, Clarence Richard
Moore, Alton
Newberry, James H.
Nunn, Joe E.
Ockerman, Foster
Parrish, Jerry
Peace, Warren
Qualls, Roger E.
Ratcliffe, Paul T.
Rausch, Edwin A.
Ray, Thomas L.
Raybourne, Jack, Jr.
Rayburn, Hobart
Reed, Vernon
Render, Wayland
Reynolds, Carl R.
Reynolds, Russell
Richards, C. J.
Searcy, Roy
Smith, Dr. W. J.
Sowards, Jack E.
Steiger, Albert, Jr.
Stith, Ralph O.
Tanner, Patrick
Thomas, Ed
Thomas, Stanley R.
Tinsley, Rev. T. Herbert
Walsh, Eulick (Mike)
Wathen, Will Tom
Weintraub, Morris
Wells, Alvan W.
Whitehead, Murphy
Willen, Claude R.
Williams, Charles Allen
Wilson, Emery
Wirsch, Charles W.
Young, Paul E.

Representative Billington announced that the Democratic Party in caucus assembled had elected the Honorable Addison L. Everett, Representative from Mason County, as Floor Leader.

Representative Vernor O. Cottengim nominated Mr. Morris Weintraub, from Campbell County, as Speaker, seconded by Representative Everett.

Representative John J. Isler moved that the nominations be closed, seconded by Representative Addison L. Everett. Agreed.

The Speaker was escorted to the Chair by a Committee composed of Representatives Fitzpatrick, Wirsch and Cottengim.

Oath of Office was given by Judge James Cammack of the Court of Appeals of Kentucky.

Representative Hislope announced that Representative Charles W. Buchanan, from Knox County, had been elected Minority Floor Leader of the House.

Representative Everett, from Mason County, nominated the constitutional officers. The following officers were elected by acclamation:

Chief Clerk—James Cubbage
Assistant Clerk—Brooks Hargrove
Enrolling Clerk—Ruth W. Layson
Sergeant-at-Arms—Delbert Vaughan
Doorkeeper—William Maglinger
Janitor—John S. Webb
Cloakroom Keeper—J. C. Hayes
Cloakroom Keeper—O. D. Raley
Page—Judy Penn
Page—Donald Turner
Page—Peggy Ann VanMeter
Page—Diana Kerns

Judge James Cammack administered the oath of office to the constitutional officers.

Introduction of Resolutions

HR 1 by Mr. Everett authorizing appointment of a Committee of the House to wait upon the Senate and the Governor.

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

That a committee of this House be appointed by the Speaker to wait upon the Senate and notify that body that this House is now organized and ready to proceed to the transaction of business and that said committee shall, in conjunction with a like committee from the Senate, wait upon the Governor and inform him that the General Assembly is now organized and ready to receive any communications he may desire to deliver.

Representative Everett moved the adoption of **HR 1.** Agreed.

A Committee was appointed to inform the Governor that the House was in session. Committee was composed of the following Representatives:

Mr. Anderson
Mr. Billington
Mr. Buchanan
Mr. Bush
Mr. Dempsey
Mr. Fitzpatrick
Mr. Wirsch
Mr. Qualls
Mr. Ratcliffe
Rev. Tinsley

HR 2 by Representative Everett relating to extending an invitation to the pastors of Frankfort churches to open sessions of the House of Representatives with prayer.

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

That the Sergeant-at-arms be directed to invite the pastors of the various churches to attend the meetings of this House and open the sessions thereof with prayer.

Representative Everett moved the adoption of said Resolution. Agreed.

Representative Everett moved that the House operate under 1956 Rules until permanent rules are adopted. Agreed.

Joint Session

The Committee appointed to wait upon the Governor reported that the Governor was ready to address a Joint Session of the General Assembly.

The Senate entered upon the floor of the House and the Honorable Harry Lee Waterfield, Lieutenant Governor and President of the Senate, assumed the Chair and called the Joint Session to order.

Prayer by Reverend Fred T. Moffatt, of the First Baptist Church, of Frankfort.

Representative Everett moved that the House and Senate go into Joint Session to hear an address by the Governor. Agreed.

The Committee appointed to wait upon the Governor appeared with His Excellency, Albert B. Chandler, Governor of the Commonwealth of Kentucky, who took his place at the Clerk's desk.

The Governor addressed the General Assembly as follows:

In obedience to the mandates of the Constitution of our Commonwealth, I appear here on this the first day of the meeting of the 112th regular session of the General Assembly to present information concerning the state of the Commonwealth and to recommend for the consideration of the General Assembly such measures as are deemed expedient.

Today marks the fourth time in my lifetime that I have spoken to a joint session of the General Assembly of Kentucky at the opening of its regular biennial session. I addressed first the 101st regular session in 1936; in 1938 I was privileged to open the 102nd regular session. In 1956, the 111th—and now it is my pleasure and very great honor to address you ladies and gentlemen of the 112th on the first day of your opening.

At the outset, I want to congratulate you and each of you on the opportunity that has been given to you to serve your people as a member of the Legislature. It is a high honor and a high privilege to be selected by the people of your counties and districts as their representatives, and I am certain that they are depending on you to represent them unselfishly and in their best interests.

During the past two years of my Administration, progress has been made in the solution of the problems of our people, but there is still much to be done. It is neither my purpose nor desire on this occasion to spend too much time in complimenting ourselves on the achievements of the past, but rather to point specifically to the problems of the future which remain yet unsolved and to ask that you join with me in devoting our time and our energies to the tasks that lie ahead of us.

The problems of the more than three million people who live in this Commonwealth are our special concerns. The actions taken here can have a tremendous impact on the health, welfare, and education of our people both now and in the future.

The record shows that during the last two years, the Commonwealth of Kentucky has made tremendous progress because of the support of the 1956 Legislature. Also, Kentucky has realized an increasing larger share of the Nation's prosperity, and the result of this economic progress has been an improved standard of living generally for the people of the Commonwealth.

The total personal income of Kentucky's three million population reached nearly four billions of dollars in 1956 and that amount will be exceeded when the figures are totaled for 1957. When divided up on a per capita income basis, the year 1956 was a record high, representing the fifth highest rate of gain in the Nation since 1950. The indications are that the 1957 figures will place us ahead of the record year of 1956.

ECONOMIC AND INDUSTRIAL DEVELOPMENT

A significant feature of the state's economic growth has been our desire to create a better balance between agriculture and industry. While Kentucky remains an important agricultural state, it has taken lengthening strides in manufacturing during the past two years. Since January 1, 1956, 181 new or expanded manufacturing plants have created 18,605 new jobs paying approximately 65 millions of dollars annually in salaries and wages, and these developments represent capital investments of more than 165 millions of dollars.

This industrial boom and the resultant growth of industry in Kentucky is traceable directly to the fine work of Kentucky's Department of Economic Development headed by Commissioner George W. Hubley, Jr.

We have created in Kentucky, and we intend to keep, a climate favorable and friendly to industry. However, industry should expect also to carry its fair share of the burdens. One of the contributing factors to the manifest desire of industry to locate in Kentucky has been the fact that we have had the greatest measure of peace between capital and labor that we have known in this generation. This is no accident. Hope is earnestly expressed that nothing will be done by you to disturb the present amicable relationship between labor and industry. The Department of Industrial Relations, headed by Commissioner Oscar Coke, has done an admirable job in bringing about the pleasant relationships which we now enjoy in Kentucky. Labor unrest in Kentucky has reached an absolute minimum.

MINES AND MINERALS

The Department of Mines and Minerals, headed by Mr. James Phalan, has made great strides in the promotion of safety. Coal production has increased approximately thirty per cent (30%) during the two years of the present Administration over the previous two years, without any increase of inspection personnel. Indeed, it is commendable that of all departmental requests for funds for the next biennium, the Department of Mines and Minerals is the only department that made a request for reduced funds.

EDUCATION

During the campaign of 1955, I made a solemn pledge to all people that I would cause to be improved the educational opportunities of Kentucky's children. I pledged the people that with your help we would provide a sufficient amount of money to implement fully the Minimum Foundation Program for Education. In order to show you how successful we have been in keeping our pledge to the people, I list herewith some of the accomplishments of our Administration in the field of education from 1956-58 as reported to me by Dr. Robert Martin, Superintendent of Public Instruction.

1. The Foundation Program was fully financed, providing state funds amounting to $54,785,500 the first year and $57,785,500 during the present year.
2. The Department of Education's budget was increased to provide more staff.
3. The Teachers' Retirement System was fully financed. This gives Kentucky, potentially, one of the better retirement systems in the Nation.
4. A full nine-month term has been provided in all the school districts in the state.
5. Average salaries of instructional personnel have increased from about $2,400 in 1955-56 to $2,943 in 1956-57 and over $3,200 in 1957-58.
6. Nearly 2,000 additional teachers have been employed in the last two years.
7. In 1956-57, forty-four new elementary and fourteen new high schools were constructed, compared to twenty-three new elementary and two high schools the previous year. Over $31,678,395 was spent for such buildings, new sites, additions and remodeling and new equipment last year, more than twice the amount expended the preceding year.
8. 63% of the graduates of Kentucky colleges who were prepared to teach remained in the state last year. This represented more than a 50% improvement over 1955.
9. A Practical Nurse Training Program has been established and is working effectively to provide the nurses needed in so many areas of our state.

10. The number of units for special education for handicapped children has increased.

11. 60% of the teachers in Kentucky schools now have the bachelor's degree or higher training.

In the proposed budget, the Minimum Foundation and the Teachers' Retirement Programs are fully financed and further implemented. We are going to continue this improved program of education in accordance with our promise to the people, and it has the wholehearted support of the people of the Commonwealth. Indeed, we have not left the school people any excuse for failure to give our children a better education.

Last year we established a Citizens' Committee on Vocational Rehabilitation Services of the Handicapped which has been most helpful to us in the improvement of this program. We are not the number one state in rehabilitation of the handicapped, but through the money which you made available to us, were able to make more percentage gain during 1957 over 1955 than any state in the Nation. The appropriation for 1956-58 biennium was the first appropriation in the history of Kentucky which made it possible for us to match fully the Federal moneys available for the rehabilitation program. For each 30¢ the state appropriates, the Federal Government is matching it with 70¢. The improvement in rehabilitation services represents a significant advance for our state.

HIGHWAYS

We are well under way with the greatest highway program in the history of our Commonwealth. Progress, undreamed of a short time ago, is in the offing. We literally are going to change the face of Kentucky with our expanding roadbuilding program.

This program cannot haphazardly be put into operation. It is a project to test the caliber of the best brains and management. We are fortunate to have now Dr. Jim Martin at the helm of our Department of Highways whose reputation as an administrator is nationally known.

It has required much planning and hard work by a great many people. It will require more.

You will recall it was just two years ago—before the Congress had enacted the Federal-Aid Highway Act of 1956—that I recommended to the Legislature a $100,000,000 bond issue for highway construction because I felt we should get ready to take advantage of the additional Federal aid which I reasoned would become available.

The General Assembly of 1956 voted to submit the proposed $100,000,000 road bond issue for a vote of our people. History was made when the people voted for the bond issue by a margin of approximately six to one. Never before has any issue won approval by so large a margin in our state! It resulted from a concerted effort by many people—Democrats and Republicans.

This past year we have made a good start in developing our highway program. Much engineering work was done; this year and the years ahead will see this huge roadbuilding program accelerated.

In November we sold the first $35,000,000 worth of bonds despite the "tight money" market.

Kentucky sold bonds at an interest rate of 2.9676% at a time when some other states were unable to obtain bids on offerings of a similar nature. As a consequence, we were able to invest immediately the entire proceeds in U. S. government securities at an interest rate of 3.3% which would earn on an annual basis a profit in excess of $113,000. Many people contributed substantially to the success of the offering. At this time I should like again to express my appreciation to the bankers of Kentucky without whose help we would have had trouble. This first bond sale is a tribute to the fine credit rating we have been able to establish for the Commonwealth. Soon we intend to offer more bonds.

Our Department of Highways, in line with my instructions, is mapping a careful highway development and maintenance program. This is being done with the engineering aid of the Automotive Safety Foundation and the full approval of my Advisory Committee on Highways, which is composed of outstanding Kentuckians.

Careful schedules are being prepared for each class of highways—interstate, primary, urban, secondary, and rural, so that:

1. All phases of highway construction can move forward on a stabilized basis.
2. All sections of the state will profit from the economic impact resulting from the highway program.

The Department of Highways, with the aid of the Griffenhagen organization, is getting its house in order to do its total assignment—efficiently and economically.

The department lacks clear authority to do construction with its own forces and personnel except after first inviting bids and failing to get one that is satisfactory.

Generally speaking, competitive bids are wise. But there are recurring conditions under which this method is too slow or too expensive—especially where access roads are needed quickly to encourage new industrial development, where roads or bridges require reconstruction because of flood or other emergencies, and where projects are too small to stimulate competitive interest among contractors.

I recommend legislation to permit such restricted force-account construction by the Department of Highways.

Our goal is great but our determination also is great—and, we will succeed!

HEALTH

December 12, 1957, was a memorable day for Kentucky. On that day ground was broken for the Medical Science Building for our new

Medical Center. When completed, it will be one of the most modern and finest in the Nation. The very newest techniques in medical, surgical and nursing training will be utilized. I need not dwell here upon the great contribution the General Assembly made when funds were voted at the last session to create this great milestone, marking the beginning of a revolution in the health and welfare of our people.

In recent years there has been too much fragmentation of the health services of the Commonwealth which has become very costly. I am by Executive Order, establishing a Health Services Council, on which all segments of the health program are represented, to make studies and recommendations to determine if cooperative programs or consolidation of health agencies would provide economical improvement of health.

This council will be charged also with responsibility for continued study of the organization and administration of our health agencies and services.

Many of our citizens realize that Kentucky has been a pioneer in matters of health, medical science and the protection of the health of her people. The program today, under Dr. Teague's direction, is making remarkable progress.

MENTAL HEALTH

Because of increased appropriations for the Mental Health Program and improved treatments under the directions of Dr. Harold McPheeters, no state made a better record in improvement of its treatment of its mentally ill and reducing inmate population than the Commonwealth of Kentucky during the last two years. The present population of the mental hospitals is 7,200, a reduction from 8,000. Dr. McPheeters' staff has adopted a slogan of "6,000 only by 1960." This accomplishment will make all of us justifiably proud.

T. B. HOSPITALS

Also, it is with pride that we report that during the past two years the T. B. hospitals have had their most successful period of operation. Hospitalization and surgery are now available in the matter of a few days to all applicants, inasmuch as waiting lists have been virtually eliminated. With the Health Department's reorganization, the T. B. problem in Kentucky will be closer to the complete solution.

DISABLED EX-SERVICE MEN

The Executive Budget which was adopted by the 1956 General Assembly increased the appropriation for the Disabled Ex-Service Men's Board and made it possible for the contracts to be negotiated with the three major veterans organizations in Kentucky which furnish trained service officers in all of the communities where they had active local units. Since these contracts have been in existence, the veterans of Kentucky have benefited greatly because of the availability of local persons who could advise with them concerning their problems, and who could file for them the various forms required by the Veterans Administration in order to entitle the veterans to benefits granted by the Congress. This method of expanding the services of the Disabled Ex-Service Men's Board has proved so successful that to discontinue it would be penalizing the veterans of Kentucky to a great extent.

UTILITY REGULATION

The Public Service Commission, headed by Mr. James F. Gordon, has shaped its policies to help improve the economic development of our state. The objectives of the commission have been to insure more and better utility services at prices calculated to induce the utility companies to provide them while protecting consumers from a too-rapid increase in the cost of living.

CONSERVATION

Under the able leadership of Commissioner Laban Jackson, the Department of Conservation during the past two years has maintained the excellent parks program and has improved the management. In the minds of some, the public parks are the only function of the Department of Conservation. However, Commissioner Jackson has put increased emphasis on the conservation of our natural resources. Greater emphasis has been placed on the small watershed program, and Kentucky is now leading the Nation in this Federal-state program. Over the past two years, seven watersheds have been accepted by the Federal Government and are now in the various stages of planning and construction.

This department also has increased and expanded fire protection to the timberland owners. Results of this program will be measured in the millions of dollars for our children.

Mrs. Violet Kilgore has supervised the operation of clean, efficient, satisfactory park facilities. Compliments on the conditions at the state parks are being received constantly by our office. Our parks are not operated primarily to make a profit but to provide recreation and enjoyment for our people and the tourists who visit our beautiful state. However, every effort is being made to make them pay their own way.

DEPARTMENT OF PUBLIC RELATIONS

In helping to advertise the beauties and charm of Kentucky, we have also been fortunate in having Mr. G. M. Pedley, whose Department of Public Relations has done a magnificent job.

DEPARTMENT OF FISH AND WILDLIFE

The Department of Fish and Wildlife Resources was established under the Reorganizational Act of 1936. During the twenty years since its establishment, Kentucky has established fourteen big game refuges and 150 small farm game refuges. Fishing is better in Kentucky than it ever has been so in hunting. This, in part is due to the large lakes which were constructed by both TVA and Army Engineers. In addition to these public projects, Kentucky has the finest farm-pond program in the United States. Already more than 50,000 farm ponds have been stocked free of charge to the owner. Commissioner Earl Wallace can be proud of the fact that many states are copying the program now in effect in Kentucky.

DEPARTMENT OF MILITARY AFFAIRS

The Military Department of the Commonwealth has been in the capable hands of Major General J. J. B. Williams during the last two years, and its members are to be commended for their devotion to the Commonwealth's interests on every assignment that has been given them. The Air National Guard, which was established in 1956, now under the direction of General Tom Marshall, has improved the defense potential, not only of our Commonwealth, but also of the Nation.

CHILD WELFARE

The Legislature in 1956 engaged in quite a fight over the placing and conduct of the Children's Bureau in Kentucky. Acting on my specific recommendation, a law was passed making arrangements for the care of Kentucky's dependent and neglected children. I am pleased to report to you now that it has been highly successful.

The Advisory Committee on Child Welfare, headed by the Reverend Walter House, and composed of ministers of all faiths, has endorsed the separation of delinquents from dependents, and their recommendations regarding the use of facilities are being followed. These devoted men of God make periodic inspections of all the homes for the children, and we are proud to report to you that their reports are all favorable regarding the progress made by Mr. Vego Barnes and Mr. Charles Allphin in handling the problems of our children. After 20 years of experience, Mr. Vego continues to manage the Department of Economic Security in such a way that makes him the envy of those in comparable positions all over the United States.

WELFARE AND CORRECTIONS

Parole Board. The present Parole Board, operating under the provisions of the Model Probation and Parole Law which I sponsored at the 1956 Legislature, has increased by almost sixty per cent the number of parolees over the preceding year. It is noteworthy that, under the able leadership of Mr. Walter Ferguson and Director Ryle, the parole violations have not increased. This returning of men and women to a useful place in society without penalizing society must be commended.

Department of Welfare. Under the direction of Mr. Charles Allphin, the Department of Welfare has been able to operate the prisons and other institutions under their direction during the past two years in a manner that uses the moneys judicially and for the greatest possible benefit for those committed to the jurisdiction of the Department of Welfare.

DEPARTMENT OF PUBLIC SAFETY

The Department of Public Safety was established by the 1956 General Assembly. For the first time, the state entered the field of accident control on a state-wide basis. A Division of Accident Prevention is interested in the reduction of accidents in the home, school, industry, on the farm, and especially on the highways.

At my specific request, the 1956 Legislature authorized an increase in the personnel of the State Police by 105. During the past two years under the direction, first, of Commissioner Widener and now Don Sturgill, the State Police of the Commonwealth have made an outstanding record. A tremendous fight has been made to stop the mass slaughter of our fellow citizens along the highways, and by their actions they have proved that they are courteous, well-trained, sober and efficient public servants, and this record has been made by comparatively young men who are dedicated to the public service. The Commonwealth owes a debt of gratitude to Commissioners Widener and Sturgill, Mr. James Bassett, Mr. Paul Smith and others like them.

The 1956 Legislature at my request created a Division of Fire Prevention in the Department of Public Safety. This new division, with its competent and trained arson inspectors, increased the number of fire inspections from 11,000 to 14,000 during one year.

The problem of stolen cars and clear titles to motor vehicles has concerned law-enforcement officers, county clerks, and those buying, selling and financing cars. The Department of Public Safety has recommended adoption of a certificate of title law. This proposal has raised questions of importance, some of which have not been answered to date but which must be answered or the program is in trouble.

DEPARTMENT OF PERSONNEL

The 1956 Legislature created a Department of Personnel. This department, headed by Mr. William Nave, gave the state for the first time a full-time Commissioner of Personnel.

Shortly after July 1, 1956, we began a state-wide classification and pay study for all positions in the state service. The primary accomplishments of this study were to classify jobs so that employees would receive comparable salaries for comparable work.

Also, the 1956 Legislature passed a Retirement Act which permits the employees with long tenure some security in their old age. This program has been put into effect, and a large number of employees who have served the state long and devotedly are now receiving benefits.

DEPARTMENT OF AGRICULTURE

Since Kentucky has been basically an agricultural state, it is essential that added emphasis, comparable to the efforts applied to other segments of the economy, be continued for this important industry. During the past two years, we have seen the greatest advance in this direction than in any comparable period in the history of the state.

The acquisition of the Coldstream Farm in Fayette County for the University of Kentucky will fulfill a long-standing need for expansion by the university in the field of agricultural research. The growth of the university campus in recent years caused a gradual encroachment upon the land of the experimental farm. Recognizing this, in 1956 I appointed a committee composed of Dr. Frank Dickey, President of the University of Kentucky, Dean Welch, Commissioner of Agriculture Ben Butler, Dr. James W. Martin, and Dr. Frank Peterson and charged them with the responsibility of seeking out the best land available for a new experimental farm. After exhaustive soil tests, in several areas of Fayette County, this committee recommended the Coldstream Farm to be best suited for our purposes. Accordingly, competent and independent appraisers were appointed to appraise the property. Acting upon their appraisal, arrangements for purchase were made at a price of about $1,900,000. The university now has 1100 acres of fine Blue Grass land and $1,000,000 worth of improvements for its agricultural research program. It is gratifying to report to you that this property could not now be purchased for a figure anywhere near approaching the amount which was paid for it.

Two years ago we laid plans and provided resources to implement the most expanded Brucellosis program the state has ever known. When this program got under way, it was determined that the rate of infection in our cattle was near 4%, the third highest in the Nation. This makes progress more difficult and more costly. We shall continue to exert our efforts toward the ultimate goal of eradication of Bangs disease.

In the field of promotion, the more important activities consist of the farm youth shows and the adult purebred cattle shows. The district 4-H and FFA dairy and beef shows have continued to grow in size and popularity. They are one of our best tools in promoting good livestock and expanding this industry in the state. We need to continue the improvement and expansion of these shows. In addition to these, we must give added attention to market hog shows, sheep shows, cattle shows, and soil-judging contests.

Over $12,000,000 worth of Federal surplus food was distributed the past year to the needy people in 60 counties.

Reports indicate that the Mosquito Control Program, approved by the 1956 Legislature, brought relief for wide areas in Western Kentucky. The severity of the pests was reduced greatly and sleeping sickness outbreaks were halted. The department is continuing this program.

For the first time in a long time, the people of Kentucky have had a trained farmer as their Commissioner of Agriculture who is devoted to improving the lot of the farmers. Mr. Ben Butler is to be commended for his activity of the past two years.

STATE FAIR AND EXPOSITION CENTER

It is my duty to report to you that the State Fair and Exposition Center in Louisville has not produced sufficient net revenue to meet the bond sinking fund requirements. In order to meet these requirements and maintain the credit standing of our Commonwealth, which must be done at all costs, it has been necessary to divert fair board operating surplus on hand before the center was occupied, proceeds from fairgrounds land sales, and general fund capital construction money in the amount of $400,000 to date. I am recommending that you provide an additional $176,000 necessary to put sinking fund requirements on a current basis on July 1, 1958. In other words, your State Fair and Exposition Center in the first three years of operation will have failed by $576,000 to make enough money to meet the bond payments. If anticipated revenue from rentals of the proposed hotel and other concessions materialize, requirements for the sinking fund payment on July 1, 1959, also will be available.

BUSINESS REGULATION

The business regulatory departments, such as Banking, under the direction of a trained banker, Mr. Albert Phillips, the Insurance Department under the supervision of Mr. Cad Thurman, the Alcoholic Beverage Control Department headed by Mr. Alfred Portwood, and the Motor Transportation Department under Mr. Charles Blackburn, have all regulated successfully the industries assigned to their particular departments in the public interest with a minimum of interference to private operation.

LEGISLATIVE RESEARCH

I am impressed particularly with the accomplishments of our Legislative Research Commission during the first two years of my Administration. Confronted with less available funds and a staff disrupted by resignations and low morale, Lieutenant Governor Waterfield, as Chairman and Director, reorganized the Commission's staff into a productive agency of government to handle the studies assigned by you in 1956. As my full-time associate and deputy, his services have been invaluable, and I wish to acknowledge before you his unfailing aid and assistance. His dual role in government has not been easy.

The General Assembly has modernized and enlarged its "between sessions" functions which likewise have increased the demands made on the commission. Never before has it been possible for Senators and Representatives to obtain the helpful assistance from this servicing agency which the staff of the commission now provides.

REVENUES AND EXPENDITURES

Revenue Commissioner James Luckett has given me the following estimates regarding the General Fund revenue collections for the following years:

General Fund Revenue Collections

1956-57 Actual	$126,643,275.34
1957-58 Estimated	$130,000,000.00
1958-59 Estimated	$131,000,000.00
1959-60 Estimated	$136,000,000.00

Unappropriated General Fund Surplus

(as reported by Walter Bromley, Director
of Accounts, Department of Finance)

June 30, 1956 Actual	$ 13,832,074.21
June 30, 1957 Actual	$ 19,260,531.94
December 31, 1957 (Based on revenue predictions)	$ 22,456,571.03
June 30, 1958 Estimated	$ 22,293,699.00

Now I come to a tedious, but most important part of my message to you. I wish to review with you the major features of the proposed budget for the forthcoming biennium.

The Unappropriated General Fund surplus as of December 31, 1957, totaled approximately $22,500,000. This reflects frugal and wise management of our financial affairs. Based on an estimated revenue of $131,000,000 for the first year and $136,000,000 for the second year of the biennium, I wish to present to you a budget which has been prepared carefully after much review and study of the needs of our people. I realize that there are other fields demanding money, but we must allocate with prudence the funds available to do the most good for the welfare, health and education of all the people of Kentucky.

The major categories of the expenditure are shown in Table II. (See Table)

Of the total recommended General Fund budget for the next biennium for recurring costs (not including capital construction, which will be spent for all functions but primarily for education), the percentages are 9.9% for General Government, 25.6% for Health and Welfare, 62.9% for Education, and 1.6% for Agriculture and Conservation.

The changing character of our life and problems is reflected in the highlights of the programs affected by this budget.

COMPARISON OF GENERAL FUND APPROPRIATIONS

	1954-55	1955-56	Biennial Per Cent	1956-57	1957-58	Biennial Per Cent	1958-59	1959-60	Biennial Per Cent
General Govern-ment	$10,303,817	$11,438,674	12.6%	$ 11,376,764	$ 12,554,248	10.0%	$ 12,951,240	$ 13,331,850	9.9%
Health and Welfare	24,959,781	26,739,025	30.0%	30,124,584	31,670,482	25.9%	33,777,105	34,383,355	25.6%
Education	48,376,007	47,869,494	55.9%	72,700,632	76,209,115	62.4%	81,756,360	85,883,760	62.9%
Foundation Program	(31,785,500)*	(34,785,500)*		(54,207,900)	(57,201,900)		(60,105,700)	(62,481,300)	
Agriculture and Con-servation	1,292,825	1,368,950	1.5%	2,071,455	1,996,475	1.7%	2,182,880	2,106,310	1.6%
Other	6,958,700**	11,265,414**		7,917,819**	6,161,506**		17,593,500**	2,450,000**	
TOTAL	$91,891,130	$98,681,557	100.0%	$124,191,254	$128,591,826	100.0%	$148,261,085	$138,155,275	100.0%

*Figures for 1954-55 and 1955-56 are totals for the Per Capita-Equalization Appropriation.
**Not included in percentage calculations since capital construction funds are in all functions.

DEPARTMENT OF AERONAUTICS

The recommended budget for the Department of Aeronautics includes, for the first time, $10,000 each year for the Kentucky wing of the Civil Air Patrol in emergency, disaster, and rescue work.

DEPARTMENT OF PUBLIC SAFETY

The recommended appropriation is an increase of $2,262,718 over the present biennium. This will make possible the addition of 105 troopers, bringing to 404 the number of uniformed officers who patrol the highways. This recommendation will provide for the construction of a state police training school, crime laboratory, and post headquarters building at Frankfort.

DEPARTMENT OF ECONOMIC DEVELOPMENT

The Department of Economic Development has set up a new Division of Nuclear Energy Information which was financed by the Governor's Emergency Fund. This department's efforts will be strengthened to bring desirable new industry into the state by promoting utilization of nuclear energy products and by publicizing nuclear achievements and opportunities.

Provision is made in the budget for added emphasis in the areas of plant-location activities and industrial research.

Also, there is a substantial increase in local planning and zoning service, and regional planning service will become available for the first time.

DEPARTMENT OF REVENUE

Funds for the adequate enforcement of all taxes have been provided for in the recommended appropriations for the Department of Revenue. To insure better compliance with the Highway Motor Fuel Usage Tax, the Department of Revenue will add ten field representatives to audit the records of gasoline refiners, distributors and interstate truckers. With the aid of information gained from the recent road block survey, they will increase receipts in the road fund many times the cost of their salaries and expenses. Total recommended appropriations for the 1958-60 biennium represent an increase of $740,600 over the present biennium.

DEPARTMENT OF PUBLIC RELATIONS

The recommended general fund appropriation for the Department of Public Relations includes $200,000 for a program of increased emphasis on national advertising and promotional work designed to attract new industry, increase tourism, and otherwise to lay a firm foundation on which a more diversified economy can be built and $100,000 for Tourist Promotion to be spent on the recommendation of the Governor's Committee on Tourist Promotion.

DEPARTMENT OF WELFARE

The recommended appropriation for the 1958-60 biennium for the Department of Welfare provides for an increase of over $1,108,000 over the 1956-58 appropriation. The increase to this department will allow the penal and children's institutions to implement the recent salary adjustment plan, provides for an increase in the number of social workers in the Division of Probation and Parole, provides for an increase in security at the Kentucky State Penitentiary, and provides for an increase in the number of supervisors at Kentucky Village.

DEPARTMENT OF ECONOMIC SECURITY

$23,420,000 was appropriated this biennium, and this is increased to $25,380,000 for the 1958-60 biennium to provide public assistance for Kentucky's people in need.

The 1956 Kentucky General Assembly passed legislation enabling this state to begin a fourth public assistance program—The Aid to the Permanently and Totally Disabled. This program cost $929,570 this biennium, and we are making available $2,007,940 during the 1958-60 biennium. This program was estimated originally to level off in Kentucky at about 5,000 recipients, but is now estimated to reach around 9,000 before starting to level off.

DEPARTMENT OF MENTAL HEALTH

The Department of Mental Health estimated at the beginning of the present biennium that the patient population of the mental hospitals would reach 8,100 this fiscal year; however, through the efforts of the devoted men and women in this program, the actual population is nearer 7,200, and as I said before, their slogan is "6,000 by 1960." The budget I propose for Mental Health represents an increase of over $2,250,000. A part of this increase will be used to bring salaries into line with those of other agencies.

At present approximately 31% of the patients admitted to our mental hospitals are over 65. Many of them could be cared for in foster nursing homes on public assistance payments. We provide funds for the development of such a program. 1300 patients are mentally retarded rather than disturbed. Funds are provided for the development of a training program for these retarded people in order that they may be placed in foster homes.

The best method of combatting mental illness is to prevent it. The mental health program has recognized this in the establishment of a Division of Community Services. Funds are provided for additional personnel and additional clinics for this program.

DEPARTMENT OF HEALTH

The budget provides for an exceptional public health program for Kentucky. Last July the Public Health Foundation Program was initiated. This will enable every county to have public health services unsurpassed anywhere in the United States. 51 counties have already furnished sufficient local funds to qualify. The appropriations I recommend will continue the program in those counties and will provide for 11 additional counties which are expected to raise the required local effort each year of the biennium.

Funds have been provided in the budget for improved inspection and regulation of places of work so that occupational health hazards may be eliminated.

My plan also includes moving the Department of Health to Frankfort in 1959 into a new, modern building, housing all health functions.

HIGHER EDUCATION

In this budget for higher education, my recommendation provides increases to take care of the most pressing needs which are increases in faculty salaries, employment of additional faculty and funds for increased costs incident to a predicted increase in enrollment of 10% each year of the biennium. For increase in faculty salaries and the employment of additional faculty, this budget provides for $1,856,000 for the biennium.

1. **Five State Colleges.** We recommend appropriations for the 1958-60 biennium providing for an increase of $2,370,760. The recommended appropriations will take care of the anticipated increased enrollments and will allow **substantial salary adjustments** for faculties in each year of the biennium. The enrollments at our five state colleges have increased from 7,554 students in the fall of 1955 to 9,308 students in the fall of 1957.

2. **University of Kentucky.** (a) **Division of Colleges.** The recommended appropriation for the Division of Colleges for the 1958-60 biennium is $11,740,000, or an increase of $2,002,600, over the current biennium. The recommended increase will take care of increased enrollments, will allow **substantial salary adjustments** for faculty, establish an I.B.M. computing center, finance the operation of the Ashland Extension Center both years of the biennium, and finance the operation of the Henderson and Cumberland Extension Centers in 1959-60. The university enrollment has increased from 7,183 students in the fall of 1955 to 8,420 students in the fall of 1957. Increases of 10% are anticipated for each of the next two years.

(b) **Experiment Station.** The recommended appropriation of $1,623,000 for the 1958-60 biennium is an increase of $207,000 over the 1956-58 biennium appropriation.

(c) **Agriculture Extension.** The recommended appropriation is an increase of $247,000 over the 1956-58 appropriation.

(d) **Medical Center.** The recommended appropriation will allow for a gradual buildup of faculty and staff in 1958-59 and for the opening of the Colleges of Medicine and Nursing in 1959-60. The size of the first year classes are estimated at 40 students in medicine and thirty students in nursing.

PRIMARY AND SECONDARY EDUCATION
FOUNDATION PROGRAM

1954-55	$31,785,500	
1955-56	$34,785,500	
1956-57	$54,207,900	
1957-58	$57,201,900	Biennium increase $44,838,800
1958-59	$60,105,700	
1959-60	$62,481,300	Biennium increase $11,177,200

The recommendation is an 84% increase for 1958-60 over 1954-56, the biennium prior to the Foundation Program. Dr. Robert Martin has told the Division of the Budget people that, in his opinion, these recommended appropriations will fully finance the Foundation for the coming two years. An additional 5,000 children in our public school system are provided for in each year of the coming biennium, an additional 650 classroom units each year, an additional 135 transportation units each year, and for an increase in the average salary of teachers as a result of increased training. The recommendation also provides an increase of approximately $300,000 in each year of the biennium to meet the increased costs of the $80 and per capita guarantee provisions. The recommendation also anticipates that Federal grants in lieu of taxes will become a part of the required local effort.

(a) **Teachers' Retirement System.** For the support of the Teachers' Retirement System during the next two years, I recommended $9,111,000. This will provide an increase of $753,000 over the current biennium. It will fully finance the anticipated growth in the program resulting from an increase in the number and salary level of teachers and will continue to meet the Commonwealth's obligation for "prior service."

Taken together, the fully financed foundation program and the fully financed teachers' retirement system will make teaching in Kentucky a far more attractive profession, and will be better able to hold the fine teachers we have and to attract more young people to the task of educating our children.

(b) **Free Textbooks.** The recommended appropriation for free textbooks is an increase of $332,000. The additional funds are needed because of increased enrollments and increases in the price of books.

(c) **Vocational Education.** The recommended appropriation for vocational education provides for a continuation of present programs at the three state and ten area trade schools.

(d) **Rehabilitation Services.** The budget bill calls for sufficient funds to enable Kentucky to receive the maximum support available from the Federal Government's contribution of about $2.00 for each state dollar for vocational rehabilitation. This will provide increases for counseling services and medical and educational assistance to the physically or mentally disabled.

(e) **Lincoln Institute.** Lincoln Institute provides high school education for about 500 Negro youths from approximately 65 counties and independent districts where adequate separate facilities have not been available in the past and provides teacher training facilities for Kentucky State College. Lincoln Institute continues to serve the educational needs of Negro youth during this period of transition toward integration. It has been a vital factor in the successful integration of many of our Kentucky school systems.

(f) **School for the Deaf.**
Increase $149,285
Enrollment 342

In 1957-58, funds were made available for the construction of a new girls' vocational building at the School for the Deaf. The new building is scheduled to be opened in the fall of 1958 and will provide facilities for considerable expansion in the vocational curriculum. The recommendation provides funds for three new areas of vocational training. Provision is made to bring the maintenance program of the school up to more desirable standards.

DEPARTMENT OF CONSERVATION

An increase of $349,860 over the 1956-58 biennium (not including $250,000 capital outlay) is made for the Department of Conservation. Increase of these funds will provide for additional planning crews to accelerate the small watershed program. Provision is also made for greater forest fire protection, including the addition of the Counties of Rockcastle and Breckinridge. We will also expand our nursery facilities, making possible the yearly production of 25,000,000 seedlings for reforestration.

CAPITAL CONSTRUCTION

The recommendation for capital outlay is about $20,000,000 for the biennium. Of that amount, $12,000,000 is included for the Medical Center at the University of Kentucky. In order to meet our construction timetable, an appropriation of that amount will be needed. However, I have instructed the Commissioner of Finance to limit expenditures to about $6,000,000 for the biennium. $6,000,000 is recommended for the purpose of encumbering construction contracts for the project because Federal Hill-Burton Act funds, for which the project has been approved, will not be totally available at the time we plan to contract for construction of the hospital.

Funds are provided for the construction of a health services building in Frankfort to provide facilities for the Department of Health, the central offices of the Department of Mental Health and the Tuberculosis Hospital Commission, and the Board of Nursing Education and Nurse Registration.

Funds are also provided for the construction of the University of Kentucky Extension Center buildings at Covington, Henderson, and Cumberland; the balance necessary to complete the purchase of the Coldstream Farm for the University of Kentucky Agricultural Experiment Station; the county health centers; and the development of additional recreational areas.

Since the amount of funds available for capital outlay purposes is far less than the total needs, I am recommending that, if the general fund revenues for the 1957-58 and 1958-59 fiscal years exceed the official estimated revenues for those years, respectively, the excess be appropriated for capital construction purposes. If such excess over estimates is sufficient to warrant the awarding of a contract, we will regard a new science building at the University of Kentucky a top priority.

RECOMMENDATIONS

And now Ladies and Gentlemen of the General Assembly, I wish to make to you the following definite and specific recommendations:

1. We do not need any additional or new taxes during 1958 or in the foreseeable future. I ask the Legislature specifically not to repeal any of the present existing tax laws which are on the statute books except the income tax cut bill which is herewith presented to you.

2. I recommend the immediate adoption of the Executive Budget which I present to you herewith and which has been most carefully studied and considered by the Division of the Budget, the Commissioner of Finance, and the Governor. I recommend the passage of a tax-cut bill which is also handed you this day and which, if passed, would give personal income taxpayers an across-the-board cut and which would entitle everyone to have a share. It would also drop out of the income-tax-paying class about 50,000 of our citizens who are now in the so-called lower brackets.

3. I recommend that the so-called judiciary reorganization bill be considered carefully by the Legislature and that it **not** be passed until it has been weighed and tested carefully in all its aspects.

4. I recommend that the so-called absentee ballot law be repealed, or, if not entirely repealed, be made to apply only to servicemen absent from the Commonwealth because of required service in the military establishment of the United States.

5. I also recommend the establishment of a State Credit Authority or a little R.F.C. to guarantee a portion of funds advanced by lending agencies so as to assist in the attraction of industry.

6. I recommend the Legislative Research Commission be directed by you to make studies on the desirability and feasibility of legislation to provide for:

(a) The centralized keeping of title certificates of motor vehicles along possible lines proposed by the Department of Public Safety so as to reduce theft of cars and assist in law enforcement.

(b) The further extension of the merit system as now applicable to some employees to all state employees and to include possibly the Department of Highway employees.

7. I recommend the Legislative Research Commission be empowered with adequate funds to recodify our criminal law along with publishing a Criminal Code of Practice as requested by the Bar Association's Board of Bar Commissioners to supplement the Commission's publication of the Civil Code, to accomplish a more comprehensive bulk revision of our statute laws the last of which was accomplished 15 years ago, and that legislation be enacted to protect the Commission's administrative regulation service by restricting the sale or gift of informational copies except by consent of the Commission along with providing adequate hearing facilities to assist state departments and agencies.

8. The General Assembly should be informed better on the expanding Minimum Foundation Program and to this end, I recommend the Commission assign full time the services of a competent educational analyst.

9. We proposed five tax bills last time in order to retire the highway road bonds, and four of the bills were productive but one was disappointing. I recommend to the Legislature that they take a new look at that and see that the big trucks pay a sufficient amount of money so the bonds will not be in jeopardy.

And now we are ready to go to work again. You are well organized and will be well led. It goes without saying that the Executive Branch of the Government will give you its closest cooperation and support. I know the importance of cooperation between us, for it is only in the spirit of cooperation that we may achieve the benefits which will flow from our joint efforts. The Governor and the members of his staff and all those of us comprising the Executive Branch of State Government will be available to you for consultation, advice, and concerted actions. Due to the financial controls established by the Reorganization Act of 1936, we continue to have a balanced budget and our financial affairs are orderly managed. This has resulted in great confidence not only in Kentucky but in the whole country in the financial solvency of the Commonwealth and its government. Acting together in a spirit of unity and good will, our success is certain. It is not really important that I always have my way; neither is it important that you always have your way. What is important is that together we should find the right way.

May I again compliment each of you on your opportunity to serve our people. The lives of three million people can be benefited greatly by our actions here. It is my hope and prayer that each of us may make a maximum contribution to the health, welfare, and education of our people during our time and generation. There is a destiny that holds the lives of all of us in the hollow of His hand. We should ask Almighty God daily to bless the deliberations of the General Assembly, and I know that if we will lift up our hearts and our prayers to Him that He will guide our steps aright.

Representative Everett moved that the Joint Session of the General Assembly adjourn. Agreed.

The Speaker resumed the Chair and called the House to order.

Introductions

The following Bills were introduced:

HB 1, by Representative Everett, AN ACT relating to appropriations for the operation, maintenance, support and functioning of the Government of the Commonwealth of Kentucky and its various officers, departments, boards, institutions, subdivisions, agencies and other state supported activities.

HB 2, by Representative Everett, AN ACT relating to income taxes.

HB 3, by Representative Tanner, AN ACT relating to officers and employees of the Commonwealth of Ky. doing business with the Commonwealth.

HB 4, by Representative Tanner, AN ACT relating to subordinate officers and employees of the state.

HB 5, by Representative Isler, AN ACT relating to juvenile offenders.

HB 6, by Representative Isler, AN ACT relating to motor vehicle registration.

HB 7, by Representative Davis, AN ACT relating to highway improvement.

HB 8, by Representative Buchanan, AN ACT relating to public utilities.

The Speaker appointed a Special Rules Committee, composed of the following members of the House, to study and report on permanent rules for the 1958 Session of the House of Representatives:

Chairman: Mr. Fitzpatrick
Vice Chairman: Rev. Tinsley
Vice Chairman: Mr. Lowman
Ex-officio Members: Mr. Everett, Majority Floor Leader
Mr. Buchanan, Minority Floor Leader
Members: Mr. Billington
Mr. McCallum
Mr. Lovelace
Mr. Huddleston
Mr. Anderson
Mr. Baumgardner
Mr. Bartley
Mr. Ratcliffe
Mr. Hobart Rayburn
Mr. Wirsch
Mr. Breckinridge
Mr. Bush
Mr. Mackey
Mr. Qualls
Mr. Russell Reynolds
Mr. Gay
Mr. Howard

HR 3, by Representative Everett, RESOLUTION adopting permanent rules to govern the 1958 Regular Session of the House.

The Speaker referred the Resolution to the Special Committee for study and report.

HB 9, by Representative Ed Thomas, AN ACT relating to diesel-powered vehicles.

HB 10, by Representative Ed Thomas, AN ACT relating to fire protection.

HB 11, by Representatives Ray, Farmer, Anderson, Walsh, Steiger, Rausch, Miller, Baumgardner, Crecelius, Burke, AN ACT relating to the levy of license taxes in cities of the first class; the disposition of same among the sinking fund, general fund and special capital fund account of such cities; restriction on ad valorem tax for sinking fund purposes, and the issuance and enforcement of licenses.

HR 4, by Representative Ed Thomas, A CONCURRENT RESOLUTION to establish a memorial to James W. Cammack, Sr.

WHEREAS, the Honorable James W. Cammack, Sr., was a resident of Owenton, Owen County, Kentucky, for many years prior to his death on February 5, 1939;

WHEREAS, the active participation of James W. Cammack, Sr., in church, school, fraternal and political organizations made him respected and loved by all who knew him;

WHEREAS, through public service in city, county and state, and particularly while serving as Attorney General of the Commonwealth of Kentucky, James W. Cammack, Sr., became a leader in promoting and shaping governmental policies and developments in the Commonwealth; and

WHEREAS, it is the desire of the many friends and associates of the late James W. Cammack, Sr., that a fitting memorial be established to honor his memory and as a token of the high esteem in which he was held.

NOW, THEREFORE,

Be it Resolved by the House of Representatives of the Commonwealth of Kentucky, the Senate concurring therein:

Section 1. That Kentucky Highway Number 22, from the Henry County line at Gratz, Kentucky, to the west city limits of Owenton, Kentucky, is designated as the James W. Cammack Memorial Highway.

Section 2. That the Department of Highways of the Commonwealth of Kentucky is directed to place appropriate markers at both ends and at reasonable intervals along the designated portion of Kentucky Highway Number 22.

Section 3. That the Clerk of the House of Representatives is directed to forward copies of this resolution to the Department of Highways and to the family of the man so honored.

Mr. Thomas moved adoption of **HR 4.** Agreed.

The Speaker appointed a Standing Committee on Appropriations and Revenues, composed of the following members:

Appropriations and Revenue

Edwin J. Kubale, Jr., Chairman

C. E. Baumgardner, Sr.
Owen Billington
Charles W. Buchanan
W. A. Buckner
A. F. Bush
Otis R. Chaudoin
John Alves Clore
T. Fowler Combs
Albert Dempsey
Addison L. Everett
Orville F. Finney
Thomas P. Fitzpatrick
John W. Greene
Huston (Jack) Johnson
H. Nick Johnson
Willie McReynolds
James H. Newberry
Jerry W. Parrish
Edwin A. Rausch
C. J. Richards
Jack E. Sowards
Ralph O. Stith
Charles W. Wirsch

Reference of Bills

Appropriations and Revenues: **HB 1** and **HB 2.**

Motions

Representative Lowman moved that the rules be suspended for introduction of bills. Agreed.

Introductions

HB 12, by Representatives Lowman, Qualls, Williams, McGuire, Howard, M. W. Cook, Bill Cornett, Buchanan, Raybourne, Tanner, Searcy, Hislope, Lovelace, E. E. Cook, Huddleston, Paul Davis, Casey, Mackey, Wirsch, Miller, Sowards, Baumgardner, Greene, Wells, Kingsbury, Paul Cornett, Gay, Hahn, McCallum, W. F. Davis, Walsh, Richards, Willen, Newberry, Dempsey, Whitehead, Barton, Peace, Brown, Rausch, Farmer, Burke, Kubale, Ann Hall, Arnold, R. Reynolds, Hopkins, Crecelius, AN ACT relating to taxation of non-profit race tracks, repealing KRS 138.512.

HB 13, by Representative Everett, AN ACT relating to aeronautics.

Announcements

The Speaker announced that public hearings would be held on **HB 1** and **HB 2** on Monday, January 13, 1958, at 2:00 p.m.

Representative Everett moved that the House adjourn until 1:00 p.m., January 8, 1958. Agreed.

WEDNESDAY, JANUARY 8, 1958

SECOND LEGISLATIVE DAY

The House was called to order by the Speaker, Mr. Weintraub.

Invocation by the Reverend Fred T. Moffatt, of the First Baptist Church, of Frankfort.

The roll was called. All present except M. W. Cook, Dempsey, Gullette, Isler, Huston Johnson, Kubale, Russell Reynolds, Walsh, Wathen.

Representative Chaudoin moved that absentee members be excused. Agreed.

The reading of the Journal for January 7, 1958 was dispensed with and same approved on motion of Representative Ray.

Representative Ockerman moved that the Legislative Research Commission supply ten copies of the Kentucky Revised Statutes for the use of House members. Agreed.

Senate Message

The Speaker announced that **SR 6** had been passed by the Senate.

A CONCURRENT RESOLUTION relating to adjournment of the General Assembly.

Be it enacted by the Senate of the Commonwealth of Kentucky, the House of Representatives concurring therein:

Section 1. That when the House of Representatives and the Senate adjourn on Wednesday, January 8, 1958 they adjourn to meet on Monday, January 13, 1958 at 8:00 P.M.

Mr. Everett moved that the House adopt **SR 6.** Agreed.

Motions

Representative Everett moved that the public hearings on **HB 1** and **HB 2** be held on Monday, January 13, 1958, at 4:00 p.m. Agreed.

Introductions

The following Bills and Resolutions were introduced:

HR 5, by Representative Isler, A JOINT RESOLUTION directing the Legislative Research Commission to make a study of narcotics and hypnotics, and matters related thereto, and making an appropriation therefor.

HB 14, by Representative Gay, AN ACT relating to financial statements by candidates.

HB 15, by Representative Stith, AN ACT changing the classification of the city of Hardinsburg, in Breckinridge County.

HB 16, by Representative Sowards, AN ACT relating to summoning of jurors.

HB 17, by Representative Fitzpatrick, AN ACT relating to police courts.

HB 18, by Representative Sowards, AN ACT relating to the operation of railroads.

HB 19, by Representative Gay, AN ACT relating to school attendance.

HB 20, by Representative Gay, AN ACT relating to benefits for retired teachers, and making an appropriation therefor.

HB 21, by Representative Gay, AN ACT relating to teacher's retirement.

HB 22, by Representative Fitzpatrick, AN ACT providing for the taking of the sense of the people of the State as to the necessity and expediency of calling a convention for the purpose of revising or amending the Constitution of the Commonwealth.

HB 23, by Representative Sowards, AN ACT relating to grand jurors and petit jurors.

HB 24, by Representative Fitzpatrick, AN ACT relating to elections.

HB 25, by Representative Kubale, AN ACT relating to the offense of shoplifting and providing penalties therefor.

HB 26, by Representative Ed Thomas, AN ACT relating to motor vehicle equipment.

HB 27, by Representative Ed Thomas, AN ACT relating to trading stamps in retail transactions, and a license tax therefor.

HB 28, by Representatives Hinkle, Wells, Kubale, Searcy, Fields, Haley, Hart, Moore, AN ACT relating to unfair competition and unfair trade practices in the sale of cigarettes; repealing sections 365.260 to 365.380 of the Kentucky Statutes.

HB 29, by Representatives Ed Thomas, Render, AN ACT relating to the sale, gift or delivery of alcoholic beverages to persons of less than twenty-one years, and the penalty therefor.

HB 30, by Representative Moore, AN ACT relating to the expenditure of county road funds on city streets.

HB 31, by Representatives Moore, Hinkle, Haley, E. Thomas, S. R. Thomas, Parrish, Raybourne, Wells, Searcy, McGuire, Henry, Miller, Mackey, Ockerman, Casey, Rayburn, AN ACT relating to excise tobacco taxes.

HR 6, by Representative Kingsbury, A CONCURRENT RESOLUTION authorizing investigation of the State Highway Department and appropriating funds therefor.

Communications

The Clerk read a communication from the Capital Press Club:

JANUARY 7, 1958

Representative Morris Weintraub
Speaker of the House
Dear Sir:

We submit herewith members of the Capital Press Club who, pursuant to your rules, are entitled to the privileges of the press section. Amended lists will be submitted to you from time to time.

Associated Press: Kyle Vance, Paul Jordan, Ronnie Butler, Miss Ruth Murphy.
United Press: James Reneissen and Glenn Elsasser.
Cincinnati Enquirer: S. V. Stiles and Hal Metzger.
Lexington Herald: S. V. Stiles and Don Armstrong.
Courier-Journal: Allan M. Trout, Hugh Morris, Ben Reeves, Miss Anne Pardue.
Louisville Times: Richard Harwood and Robert Crumpler.
Kentucky Post: Clay Wade Bailey.
State-Journal: Philip Swift.
Kentucky Times-Star: Philip Swift.

Respectfully submitted,
Paul R. Jordon
President

Ann Pardue
Secretary

Representative Everett moved that all members listed in said communication be granted the privilege of the floor. Agreed.

Representative Everett moved that the House adjourn until 9:00 p.m., Monday, January 13, 1958. Agreed.

MONDAY, JANUARY 13, 1958

SIXTH LEGISLATIVE DAY

The House was called to order by the Speaker, Mr. Weintraub.

Invocation by the Reverend Robert J. Laughlin, of the First Presbyterian Church, of Frankfort.

The roll was called. All members present except Clore, Huston Johnson and Reverend Tinsley.

Representative Chaudoin moved that all absentee members be granted a leave of absence. Agreed.

Representative Isler moved that the reading of the Journal of January 8, 1958, be dispensed with and the same approved. Agreed.

Senate Message

Senate message announcing passage of **SR 7.**

Introductions

The following Bills and Resolutions were introduced:

HB 32, by Representative Buchanan, AN ACT relating to trading stamps.

HB 33, by Representative Ann B. Hall, AN ACT amending and reenacting Kentucky Revised Statutes 337.020 to change the time when corporations are required to pay employees.

HB 34, by Representative Kingsbury, AN ACT relating to taxation of voluntary fire departments.

HB 35, by Representatives Stith, Render, AN ACT relating to the standard of time.

HB 36, by Representative Smith, AN ACT relating to attachment and garnishment.

HB 37, by Representatives Render, Ed Thomas, AN ACT relating to the sale, gift, or delivery of alcoholic beverages to minors.

HB 38, by Representative Bach, AN ACT relating to absent voting.

HB 39, by Representative Bach, AN ACT relating to Veterans bonus.

HB 40, by Representative Bach, AN ACT relating to public ways.

HB 41, by Representative Bach, AN ACT relating to dog and livestock protection.

HB 42, by Representative Mackey, AN ACT changing the classification of the City of Mount Olivet, in Robertson County.

HB 43, by Representative Hinkle, AN ACT relating to motor vehicle registration.

HB 44, by Representative Fields, AN ACT relating to real estate brokers and salesmen.

HB 45, by Representative Everett, AN ACT relating to rates and services of public utilities.

HB 46, by Representative Breckinridge, AN ACT relating to taxation for school purposes.

HR 7, by Representatives Rausch, Burke, A JOINT RESOLUTION authorizing civil action against the Metropolitan Sewer District of Jefferson County, Kentucky and/or against the Commonwealth of Kentucky, Department of Highways, in the interest of Norman Thomas Gnau and his insurers, Pennsylvania Fire Insurance Company and Ohio Casualty Insurance Company.

HR 8, by Representative Cottengim, A JOINT RESOLUTION authorizing an investigation of the State Highway Department and appropriating funds therefor.

HR 9, by Representative Everett, A JOINT RESOLUTION authorizing and directing a continuing study and evaluation of the common school system of the Commonwealth.

Representative Everett moved that the House adjourn until 1:00 p.m., January 14. Agreed.

TUESDAY, JANUARY 14, 1958

SEVENTH LEGISLATIVE DAY

The House was called to order by the Speaker, Mr. Weintraub.

Invocation by the Reverend Robert J. Laughlin, of the First Presbyterian Church, of Frankfort.

Roll call showed all members present except Bach, Burress, Huston Johnson, Lowman.

Representative Chaudoin moved that absentee members be granted leaves of absence. Agreed.

Representative Isler moved that the reading of the Journal of January 13 be dispensed with and that same be approved. Agreed.

Report of Committees

The Special Committee on Rules reported **HR** 3 with the expression of opinion that the same should pass with amendments.

A HOUSE RESOLUTION adopting permanent rules to govern the 1958 regular session of the House.

Be it Resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

That the attached rules are adopted as the permanent rules to govern the House during the 1958 session of the General Assembly, superseding the rules under which the House has operated.

PROPOSED RULES
HOUSE
1958 REGULAR SESSION

Sessions of the House

Rule 1. Hours of Meeting. The House shall meet at 1 P.M., except on Monday, when it shall meet at 8:00 P.M. The official time shall be governed by the clock over the main entrance to the House Chamber.

Rule 2. Quorum. A majority of the Members elected to the House shall constitute a quorum. If a quorum is not present at the time fixed for a meeting of the House, five Members may adjourn or recess from day to day or from time to time and fifteen Members may order a call of the House and send for absent Members.

Rule 3. Call of the House. Upon a call of the House the Clerk shall call the roll, then call the absentees again. The doors of the House Chamber shall then be closed and the absentees not excused by the House may be sent for and arrested by the Sergeant-at-Arms and the House shall determine upon what conditions they shall be discharged from arrest. Members who voluntarily appear shall be immediately admitted to the floor of the House and their names entered upon the Journal as present, unless the House otherwise directs.

Order of Business

Rule 4. Order of Business. The order of business shall be as follows:

1. Invocation.
2. Roll Call.
3. Reading and approval of the Journal.
4. Motions, Petitions, Resolutions and Communications.
5. Report of Committees.
6. First Reading of Bills.
7. Second Reading of Bills.
8. Orders of the Day.
9. Reference of Bills to Committees.
10. Announcements.

Rule 5. Unfinished Business. Unfinished business which was being considered upon adjournment shall have precedence in the class of business to which it properly belongs upon the next succeeding legislative day.

Motions

Rule 6. Reading of Motions. When a motion has been made and seconded, it shall be stated by the chair, or, being in written form, it shall be read by the Clerk before debate, amendment or motion concerning it shall be in order.

Rule 7. Withdrawal of Motions. Every oral motion after it has been stated by the Speaker, and every written motion, bill, resolution or other paper, after it has been read by the Clerk, shall be the property and in the possession of the House, and shall not be withdrawn without consent of the House. Every written motion, report or measure may be committed or recommitted at the pleasure of the House.

Rule 8. Order of Questions. All questions, whether in Committee of the Whole or in the House, when not a privileged question, shall be propounded in the order in which they were moved, except that in filling blanks the smallest sum and the most remote date shall be put first.

Rule 9. Precedence of Motions. When a question is under consideration, no motion shall be in order except:

1. To fix the time to which the House shall adjourn.
2. To adjourn.
3. To take recess.
4. To lay on the table.
5. For the previous question.
6. To postpone to a fixed time.
7. To commit.
8. To amend.
9. To postpone indefinitely.

The above several motions shall have precedence in the order in which they are arranged and the first five of them shall not be debatable.

A second motion to adjourn, to take a recess, to lay on the table, for the previous question, to postpone to a time certain, to commit or to postpone indefinitely shall not be in order on the same day, upon the same question, and at the same status unless other business intervenes; provided, however, that amendments may be made to the time to which it is proposed to adjourn, to take a recess or to postpone.

Rule 10. Motion to Strike Out Enacting Clause. A motion to amend by striking out the enacting words of a bill or resolution shall have precedence over a motion to amend; and, if adopted, shall have the same effect as though the bill or resolution were regularly voted upon and rejected.

Rule 11. Motion to Adjourn. A motion to adjourn, to take a recess, or a motion to adjourn to a time certain, shall always be in order, except when a Member is speaking or while a vote is being taken; subject, however, to the limitation set out in Rule 9.

Rule 12. Previous Question. When the previous question has been ordered, a vote shall be taken immediately upon the pending measure and such pending amendments as are in order. The effect of the previous question shall be to put an end to all debate; to prevent the offering of additional amendments and to bring the House to an immediate vote upon the measure and amendments aforesaid. The previous question may be ordered by a majority of the Members elected. On the call of the roll, no Member shall be allowed to speak more than three minutes to explain his vote and shall not speak at all if the question is not a debatable question. After the previous question has been ordered, and before the vote upon the main question, the opponents of the measure shall have ten minutes, and proponents of the measure shall have ten minutes.

Rule 13. Motion to Separate Part of a Measure. A motion to commit, recommit, or postpone a part of a measure so as to separate that part of the measure from the remainder shall not be in order.

Rule 14. Motion to Reconsider. A motion to reconsider a vote shall not be in order unless made by a Member who voted upon the prevailing side of the question; nor shall such motion be in order unless made within two legislative days in which the House is in session next after the day the vote was taken; however, the motion to reconsider when coupled with the additional motion to lay that motion upon the table may be made by any Member.

Rule 15. Postponement of Measures. When a measure shall have been postponed indefinitely it shall not be in order again during the session.

Rule 16. Reading of Pending Papers. Any pending bill, resolution, motion or report shall be read by the Clerk upon the demand of any Member, but it shall not again be read on the same day unless so ordered by the House.

Rule 17. Nominations. In all elections a previous nomination shall be made.

Members

Rule 18. Attendance of Members. No Member shall absent himself from a session of the House without leave from the House.

Rule 19. Decorum of Members. No Member shall designate another Member by name.

Rule 20. Call to Order. If any Member, in speech or otherwise, transgress the rules of order or decorum, he shall immediately be called to order by the chair and shall take his seat. The Clerk shall reduce the objectionable words to writing and read them to the House. After hearing a short explanation from the Member called to order, or upon the withdrawal of the objectionable language, the Speaker may permit the Member to proceed, or may compel silence upon him until the matter is disposed of. The ruling of the chair shall be subject to an appeal to the House. A Member offending the House shall be liable to censure.

Rule 21. Debate. No Member may speak more than once to the same subject until all Members desiring to be heard have spoken, but nothing in this rule shall do away with the previous question if then in effect, nor permit debate on an undebatable motion.

No Member shall speak more than thirty minutes in the aggregate on any question or measure, at the end of which period, or any portion thereof, the floor shall be returned to the Speaker.

Rule 22. Members Shall Vote at Seats. A Member shall vote only when at his seat or visibly approaching it.

Officers and Employees

Rule 23. Duties of Speaker. The Speaker shall take the chair every day precisely at the hour fixed for the meeting of the House, and, on the appearance of a quorum, shall cause the Journal of the preceding day to be read, unless the reading of the same is dispensed with by the House.

The Speaker shall preserve decorum and order and, in the event of any disorder in the gallery or in the House Chamber, may cause the same to be cleared of any persons creating disturbances or disorders.

All writs, warrants, subpoenas or other processes shall be signed by the officer who may be presiding over the House when the paper is issued; and his signature shall be attested by the Clerk, when ordered by a majority of the Members.

The Speaker shall appoint all committees and refer all bills to committees.

Rule 24. Appeal from Decision of Chair. The Speaker while presiding may speak to points of order in preference to Members. He shall decide points of order and manner of procedure. If two or more Members arise from their respective seats and address the chair, the Speaker shall determine who was first and recognize him. Any decision made by the Speaker shall be subject to appeal to the House. Every such appeal shall be in writing and signed by at least two Members. During the pendency of an appeal to the House from a decision of the chair, the Speaker shall vacate the chair and call the Majority Caucus Chairman to preside.

Rule 25 Speaker Pro Tempore. If the Speaker is to be absent from the House, he shall name a Member to perform the duties of the chair, but such Speaker Pro Tem shall not be empowered to act beyond a period of five legislative days and each such designation shall be in writing filed with the Clerk.

Rule 26. Duties of Clerk. The Clerk shall have charge and supervision of all the clerical business of the House. He shall have charge of the Clerk's section of the House Chamber and shall see that no one is permitted therein except himself and those assisting him. Half an hour before the time fixed for the meeting of the House each day, the Clerk or one of his assistants shall be present at the Clerk's desk with the minutes of the preceding session for inspection of any Member of the House.

The Clerk shall read to the House papers ordered to be read; call the roll and note and report the absentees when a call of the House is ordered; call the roll and note the answers of members when a question is taken by yeas and nays; assist the Speaker in taking the count when any vote of the House is taken; notify committees of their appointment and business referred to them; attest all writs, warrants and subpoenas issued by order of the House; keep a calendar showing such bills as entitled to their second reading each day, distinguishing between House and Senate bills; superintend the engrossing and enrolling of bills; certify to the passage of all bills and to the adoption of all joint and concurrent resolutions by the General Assembly; and make all reports to the Senate, unless otherwise ordered.

Rule 27. Journal of Proceedings. The Clerk shall cause to be kept the Journal of the proceedings of the House. The Clerk shall note upon the Journal all questions of order, together with the disposition of same, and the dates upon which all bills and resolutions were sent to committee and returned to the House. The House may correct errors in the Journal the day the Journal containing errors is presented to the House.

The Clerk each day, one hour before the Session convenes, shall exhibit the Journal of the preceding day on the Clerk's desk. The Journal then shall be open to inspection by members of the House.

The Clerk shall transmit the Journal for each day as soon as it has been approved by the House to the Legislative Research Commission, which shall deliver it to the public printer. The Commission staff shall proofread and index the Journal upon return from the printer and make necessary typographical corrections.

Rule 28. Custody of Papers. The Clerk shall have custody of all records, papers and bills of the House and shall not allow them to be taken out of his possession without the leave of the House, unless to be delivered to the chairman of a committee to which they have been referred or to the public printer, and then he shall take a proper receipt therefor. He shall endorse on bills and papers brief notes of proceedings had thereon by the House and preserve the same in convenient files for reference.

Rule 29. Accounts of Expenditures. The Legislative Research Commission shall keep the accounts for pay and mileage of members, officers and attaches, and for printing and other contingent expenses of the House and Senate.

Rule 30. Printing of House Papers. The Clerk shall have supervision and charge of all printing done for the House and the public printer shall print only such documents and other matter as the Clerk authorizes. He shall report to the Speaker every failure of the printer to execute work correctly and promptly.

Rule 31. Duties of the Sergeant-at-Arms. It shall be the duty of the Sergeant-at-Arms and the Doorkeeper to exclude or remove all persons not entitled to the floor of the House. Thirty minutes before convening of the House each day the Sergeant-at-Arms shall announce in a loud, distinct voice: "All persons not entitled to the floor of the House under the rules thereof will now vacate the House Chamber." He shall then compel all persons who are not entitled to remain therein to leave the House Chamber and shall prohibit their entry until thirty minutes after the House has adjourned.

Rule 32. Conduct of Employees. All the constitutional employees of the House, shall, one hour before the meeting of the House each day, report to the Clerk, who shall report to the Speaker whether or not all of said employees are on duty. The Speaker, whenever he deems it necessary, shall report to the House any dereliction of duty. No officer or employee of the House shall receive any fee, tip or compensation from any Member and violation of this rule shall be ground for dismissal.

All other professional, clerical and other employees required by the House or any of its committees shall be provided by the Legislative Research Commission and shall be supervised by the Director of the Commission, in accordance with orders given by the Speaker.

COMMITTEES

Rule 33. Standing Committees. The following shall be the standing committees of the House:

Agriculture and Conservation.
Appropriations and Revenues.
Banking and Insurance.
Claims.
Education.
Enrollment.
Health and Welfare.
Judiciary, Executive and Legislative Affairs.
Labor and Industry.
Military and Civil Defense.
Municipal and County Government.
Public Utilities.
Suffrage, Elections and Constitutional Amendments.
Transportation and Highways.
Ways and Means.

Rule 34. Committee on Claims. All resolutions to authorize the filing of suits or payment of claims against the Commonwealth or any department or agency of the State shall, upon their introduction, be referred by the Clerk to the Committee on Claims. Each person seeking to obtain such authorization for suit shall file with the Committee on Claims a statement, duly sworn and subscribed to, in which all the facts and circumstances connected with the cause of action on which such person seeks to recover are set forth; and such statement shall set forth a prima facie case against the Commonwealth of Kentucky or any department or agency of the State before the Committee shall report such resolution with the expression of opinion that the same should pass.

Rule 35. Rules Committee. No bill shall be considered by the House during the last fifteen legislative days of the session of the House or during any special session except upon the recommendation or report of the Rules Committee previously obtained, nor shall the House consider any bill originating in the Senate during the last fifteen legislative days of the session of the Senate or during any special session except upon the recommendation or report of the Rules Committee of the House previously obtained, unless otherwise ordered by a majority of the members elected to the House. The Rules Committee shall determine the order in which bills shall be taken up and considered during the last fifteen legislative days.

If and when the time be fixed for the sine die adjournment of the session of the General Assembly, the last fifteen legislative days shall be held and construed to mean the last fifteen legislative days next prior to the time so fixed. If the resolution be adopted for sine die adjournment within fifteen days of the time fixed for such adjournment, then the Rules Committee shall take charge for such lesser number of days as may remain from the time such resolution for sine die adjournment is adopted and the time fixed for such adjournment.

The Speaker of the House shall act as chairman of the Rules Committee. The Majority Floor Leader of the House shall act for the Rules Committee in calling from the orders of the day any bills or resolutions and shall be recognized by the Speaker for said purpose during all times that the Rules Committee is in charge.

Rule 36. Committee on Conference. When a House bill has been amended in the Senate and the House refuses to concur in said amendment, or when a Senate bill has been amended in the House and the Senate refuses to concur in said amendment, and when neither will recede from such action, the Speaker shall appoint a Committee on Conference to meet a like committee from the Senate. The Committee on Conference shall confer with the Senate Committee and report back to the House within a reasonable time, in the same manner as reports are made for House bills. The conference report shall be voted upon, and, if adopted the bill shall immediately be put upon its final passage.

Rule 37. Appointment of Committees. The Speaker shall appoint the members of all standing and special committees and shall fill any vacancies thereon. The Speaker shall select members distributed as equally as possible from among Congressional districts, and in proportion to the representation of each political party in the House.

Rule 38. Meetings of Committees. No committee except the Committee on Enrollment and a Committee on Conference between the House and Senate shall sit while the House is in session, unless by consent of the House. The Committee on Enrollment may report at any time except during roll call or while a vote is being taken.

The Speaker shall schedule a definite time and place for the regular weekly meetings of each committee, such schedule to be posted in the House Chamber and published in the **Legislative Record.** A committee shall meet at the regular weekly scheduled time and place so long as business is pending before the committee. Nothing herein shall prevent the chaiman or a majority of any committee from calling a special commitee meeting in addition to those regularly scheduled, provided, however, that notices of such special committee meeting shall be given at least two legislative days prior to the meeting and shall be announced in open session and shall be carried in the **Legislative Record.**

The chairman shall keep a record of the attendance of members at meetings, which record shall be filed with the Clerk.

The Director of the Legislative Research Commission, as ordered by the Speaker, shall assign a secretary to each committee and provide any professional, clerical or other employees required by any committee.

Rule 39. Committee Reports. Every committee shall report the disposition of every bill and resolution referred to it as promptly as possible. Upon the call of standing committees, the Clerk or the chairman or ranking member of the committee may report the bill in the following manner:

"With the expression of opinion that the same should pass," or

"With the expression of opinion that the same should pass, with the committee amendment attached thereto," or

"With the expression of opinion that the same should pass, with the committee substitute attached thereto," or

"With the expression of opinion that the same should not pass," or

"Without expression of opinion."

Rule 40. Majority and Minority Reports. It shall require a majority of the committee membership to report a bill. Those members of the committee voting to report a bill must sign the committee report and the committee report shall only be signed in the committee room and while the committee is in session.

A committee report may be accompanied by a minority report, signed by those members who have dissented from the committee's report, and it shall be in order to move the adoption of the minority report as a substitute for the committee's report when the committee offers its report. It shall require a majority of the Members elected to adopt the minority report. The committee's report shall always be read before the minority report is read.

Rule 41. Failure to Report. Whenever a committee fails or refuses to report within a reasonable time a bill submitted to it, the same may be called up by any Member and considered as if it had been regularly reported if a majority of Members elected to the House concur therein.

Rule 42. Procedure in Committee. The rules of procedure in the House shall be observed in committee in so far as the same are applicable.

BILLS AND RESOLUTIONS

Rule 43. Form of Bills. All bills shall be typewritten, with one original and four distinctly legible copies. The original shall be the official bill, and shall be retained by the Clerk for the use of the House and Senate. The second copy shall be used for committees. The third copy shall be for the use of the press and shall be given to a person designated by the Press Club. The fourth copy shall be provided to the Legislative Research Commission; and the fifth to the bill drafting section of the Commission. All copies shall be backed with a protective cover, as provided for this purpose by the Legislative Research Commission. The title of the bill, or a portion thereof, and the signature of the Member introducing the bill shall be placed on the cover.

Rule 44. Introduction of Bills. Bills and resolutions may be introduced by filing them with the Clerk at any time that his office is open. The Clerk shall number bills in the order received, record their introduction, and transmit a copy immediately to the Speaker for reference to committee.

Rule 45. Reference of Bills. The Speaker shall refer all bills to the proper standing committee not later than the second day in which the House is in session after the date of introduction. When a House bill has been amended in the Senate and has been returned to the House for concurrence in the amendment, it may be referred to a committee in the same manner as original bills are referred. Bills originating in and passed by the Senate when reported to the House shall be referred to the Speaker and shall take the same course as other bills.

Rule 46. Printing of Bills. Upon receipt of a bill, the Legislative Research Commission shall examine the form of the bill to ensure that it is free from errors of form or typography. If a formal change is necessary, the Commission shall request the sponsor of the bill to sign a form approving the specified changes. If a bill is found to be correct, or corrections have been approved, the Commission shall authorize its printing.

The Legislative Research Commission shall have printed two hundred copies of each bill or resolution carrying the force and effect of law introduced in the House and of each bill or resolution carrying the force and effect of law acted on by the Senate and reported to the House. Bills shall be printed in the order in which they are introduced and distributed to Members immediately upon receipt from the printer.

Rule 47. Readings of Bills. If a bill be reported with the expression of opinion that it should not pass, or without expression of opinion, a vote may then be taken on whether it shall be read at length and be placed on the Calendar, if a majority of the Members elected to the House shall concur therein. When reported favorably by the committee, the bill shall then be given its first reading at length and shall be placed by the Clerk upon the Calendar to be kept by him, and shall then be entitled to its second reading the next succeeding legislative day.

Every bill shall be read at length on three different legislative days; but the second and third readings thereof at length may be dispensed with by a majority of all the Members elected to the House and the bill read by its title.

Rule 48. Calendar. The Clerk shall keep a Calendar for each legislative day of the session showing the bills entitled to a second reading upon that day and shall post conspicuously the number of all bills recommended for said Calendar by the Rules Committee and the numbers of all bills placed in said Calendar by the Committee of the Whole House.

Bills or resolutions authorizing suits or claims against the Commonwealth shall automatically be placed upon a separate Calendar to be made a special order of business at a time ordered by the House.

Rule 49. Orders of the Day. When a bill has had its second reading it shall be placed in the Orders of the Day, or be recommitted, and when next reached in the House it shall be ready for recommitment, or to be read a third time and placed upon its passage, and the Speaker shall so announce to the House.

A bill may be recommitted or amended at any time before its passage. Bills shall be placed in the Orders of the Day in the order in which they have been given their second reading, and shall be taken therefrom in that order, unless otherwise ordered by a majority of Members elected. When a House bill is in the Orders of the Day, it shall be in order on motion of the author to substitute an identical Senate bill which is in the Orders of the Day of the House.

No bill shall be taken from the Orders of the Day unless it shall have been printed and previously distributed to members.

Rule 50. Final Passage. When a House bill has been amended in the Senate and the House has concurred in the amendment, the bill as amended shall immediately be placed upon its passage.

Rule 51. Amendments to Bills. All amendments offered shall be on sheets with a proper heading printed in blank, furnished by the Clerk, and shall bear the signature of the Members offering the same. All amendments shall give the proper page and line of the printed bill. Two copies of each amendment shall be introduced and the Clerk shall forward one copy to the Legislative Research Commission. No amendment shall be in order that is not germane to the matter under consideration; and the Speaker, when the question is raised, shall rule as to the advisability of the proposed amendment, subject to appeal to the House.

Rule 52. Engrossment of Bills. Every House bill and joint resolution, together with the amendments thereto, which has been passed by the House and not subject to further amendment or motion, shall be engrossed by the Clerk and so certified by him endorsing thereon the day of passage or adoption. The bill shall be delivered to the Senate in open session by the Clerk or someone designated by him, and Senate concurrence asked therein. A like procedure shall be observed toward Senate bills.

When engrossing a bill, the Clerk may incorporate amendments by means of typing only. When an amendment strikes out any part of the original it shall be indicated in the engrossed copy by one parallel line over the part to be stricken out, in such a way as not to render illegible the original words.

Rule 53. Enrollment of Bills. All House bills and resolutions which have passed both the Senate and the House shall be delivered by the House Clerk to the Enrolling Clerk, taking a receipt therefor, in the order in which passed. The House Clerk shall keep the number and title of all bills and joint and concurrent resolutions carrying the force and effect of law, passed by the House of Representatives and the Senate in a suitable record book attesting the fact and date of passage.

In the event a bill which originates in the House is amended by the Senate and the House concurs in the amendments proposed and adopted by the Senate, the Clerk of the House shall engross said amendment in the original copy of the House bill, attesting the same, before delivering the bill to the Enrolling Clerk of the House. The Enrolling Clerk shall then cause the original bill as attested by the Chief Clerk and the safety copy of the bill as delivered from the Senate to conform to each other by typing in indelible typewriter ink or by writing in red ink the amendments engrossed in the original bill in the safety copy. In cases of extreme emergency and during the last three days prior to sine die adjournment, where no correct printed copy is available, the Enrolling Clerk may enroll such bill or resolution by typing the same on safety paper or by enrolling the same in longhand.

The original bill or resolution and a printed copy upon safety paper in the exact form as finally passed shall be certified to by the Enrolling Clerk and delivered to the Committee on Enrollment. The Committee on Enrollment and the Enrolling Clerk shall jointly compare the original bill with the enrolled copy, and if the enrollment is ascertained to be correctly done, the Committee shall report the same to the House. If any bill or resolution is found not correctly enrolled, it shall be returned to the Enrolling Clerk to be properly enrolled and delivered to the Committee on Enrollment as is first provided herein.

Rule 54. Signing of Bills. The Enrolling Clerk of the House shall deliver the original and enrolled copies of House bills and resolutions signed by the Speaker to the Chairman of the Enrollment Committee of the Senate for presentation to the President of the Senate for his signature. When signed by the President of the Senate, the enrolled bill or resolution and the original copy thereof shall be returned by the Enrolling Clerk to the Clerk of the House who shall present the enrolled bill or resolution to the Governor for his approval and take his receipt for same.

Rule 55. Resolutions. Resolutions having the force and effect of law shall be treated and considered as bills in all respects under these rules.

VOTING

Rule 56. Roll Call. Any member, with a second, may demand a roll call on any matter pending before the House. The names of Members shall be arranged alphabetically when taking a yea and a nay vote.

Rule 57. Pairing. All pairs announced in the House shall be entered on the Journal.

Rule 58. Division of the House. If the Speaker be in doubt as to the result of a viva voce, or a division demanded, the House shall divide. Those voting in the affirmative shall first rise and be counted, and the Speaker shall announce the number of those so voting. Those voting in the negative shall then rise and be counted and the Speaker shall announce the number so voting. He may appoint tellers to count those voting.

Rule 59. Adjournment Extended During Roll Call. When the roll is being called in taking a yea and nay vote, and the hour of an adjournment arrives, the same shall stand extended until after said yea and nay vote has been completed and the result announced.

PRIVILEGE OF THE FLOOR

Rule 60. Persons Entitled to the Floor. No person shall be permitted upon the floor of the House when in session and one half an hour before and after the House is in session except the present Members of the General Assembly and all officers and employees of the General Assembly. Bona fide newspaper correspondents, designated in writing by the daily newspapers or press service they represent, shall be admitted to the floor when recommended by the Speaker and shall be governed by the rules of the House and assigned by the Speaker to a press section specifically set aside for them.

A special section of the gallery shall be reserved for the families and guests of Members, who shall be admitted upon presentation of an identification card. Other persons shall be admitted to that part of the galleries not reserved for Member's families. Members may submit the names of guests to the Clerk, who shall read the names to the House. Members shall not introduce guests from the floor.

Rule 61. Lobbying in House Chambers. No person shall engage in lobbying for or against any measure while the House is in session, or in recess, in any of the corridors or passages or in any of the rooms in that part of the Capitol assigned to the use of the House, and no registered lobbyist shall enter that part of the Capitol while the House is in session. This rule shall not be construed to prohibit the use of the corridors or passages in going to and from the House galleries by any person.

RULES

Rule 62. Robert's Rules. In the absence of a specific rule of the House, **Robert's Rules of Order** shall govern the proceedings, except that in all cases where general parliamentary law provides for a rule of two-thirds, it shall mean in this House a majority of all the members elected thereto.

Rule 63. Change of Rules. The rules of the House, after their adoption, shall not be altered, changed, amended, suspended or interrupted, unless the same be done by a majority of the Members elected to the House. Whenever the rules are suspended, no measure shall be considered under suspension except the measure or measures in whose favor the suspension was invoked, and only for that day.

DISTRIBUTION OF MATERIAL

Rule 64. Restrictions. No article, booklet, pamphlet or any other printed matter shall be placed upon the desk of any member unless said article, booklet, pamphlet or other printed matter contains the signature of the author, or the party interested in the distribution thereof is clearly identified.

The Sergeant-at-Arms shall be charged with the duty of enforcing this rule.

Representative Fitzpatrick moved adoption of the following amendments to **HR 3:**

Amend Proposed House Rules on page 1, Rule 4, by making Rule 4 read:

Rule 4. Order of Business. The order of business shall be as follows:

1. Invocation.
2. Roll Call.
3. Reading and Approval of the Journal.
4. Motions, Petitions, Simple Resolutions and Communications.
5. Report of Committees.
6. First Reading of Bills.
7. Second Reading of Bills.
8. Orders of the Day.
9. Report of Reference of Bills to Committees.
10. Introduction and Report of Bills and Resolutions Introduced.
11. Announcements.
12. Adjournment.

Adopted.

Amend Proposed House Rules on page 6, Rule 27, Paragraph 2, by inserting the words "one half hour" for the words "one hour." Adopted.

Amend Proposed House Rules on page 6, Rule 30, by making Rule 30 read:

Rule 30. Printing of House Papers. The Legislative Research Commission shall have supervision and charge of all printing done for the House as certified by the Clerk and the public printer shall print only such documents and other matter as the Legislative Research Commission authorizes. The Clerk shall report to the Speaker every failure to execute printing work correctly and promptly. Adopted.

Amend Proposed House Rules on page 8, Rule 37, by making Rule 37 read:

Rule 37. Appointment of Committees. The Speaker shall appoint the Chairman, Vice Chairman and the members of all standing and special committees and shall fill any vacancies thereon. The Speaker shall select members distributed as equally as possible from among Congressional districts, and in proportion to the representation of each political party in the House. The Vice Chairman shall act in the absence of the Chairman. Adopted.

Amend Proposed House Rules on page 10, Rule 44, by making Rule 44 read:

Rule 44. Introduction of Bills. Bills and resolutions may be introduced by filing them with the Clerk in the Clerk's office at any time that his office is open except as provided in Rule 4. Bills and resolutions introduced by filing them in the Clerk's office more than one hour after the house has adjourned shall be considered as having been introduced the next succeeding legislative day. The Clerk shall number bills in the order received, record their introduction, and transmit a copy immediately to the Speaker for reference to committee. Adopted.

Representative Fitzpatrick moved previous question on **HR 3** as amended. Adopted. **HR 3** adopted by voice vote.

Motions

Representative Haley moved that **SR 7** be adopted, seconded by Representative McCallum.

SR 7. A CONCURRENT RESOLUTION urging the Corps of Engineers, Army of the United States, to complete, at the earliest practicable date, its final recommendations with respect to the improvement and development of the Kentucky River Valley, with particular emphasis to be placed on whether the Federal Government intends to build the proposed Jessamine Creek Dam on the Kentucky River.

WHEREAS, the General Assembly of this Commonwealth in the 1956 Regular Session, by the enactment of Chapter 104 of the 1956 Kentucky Acts (KRS 148.085), provided for a state park at the site of Fort Boonesboro, in Madison and Clark Counties, Kentucky, and authorized the Commissioner of Conservation of Kentucky to acquire up to two hundred acres at said site for said park;

WHEREAS, the improvement and development of the Kentucky River Valley is presently under a study by the Corps of Engineers, Army of the United States;

WHEREAS, the Congress of the United States of America has heretofore enacted legislation pursuant to which the creation of a high level dam at Jessamine Creek on the Kentucky River has been authorized, but the Congress has not appropriated any funds for the construction of same; and,

WHEREAS, the construction of said high level dam at Jessamine Creek would flood vast areas of valuable farm lands in Clark, Madison, Fayette, Jessamine, Estill and Powell Counties in Kentucky, would permanently destroy vast areas of farming and historic value, and of scenic beauty, along the Kentucky River Valley, including the site of the original Fort Boonesboro, and would permanently and forever block and preclude through navigation of the Kentucky River, all of which would be to the detriment of the improvement and development of the Kentucky River Valley, and contrary to the best interests of the Commonwealth of Kentucky:

NOW, THEREFORE,

Be it Resolved by the Senate of the General Assembly of the Commonwealth of Kentucky, the House of Representatives concurring therein:

Section 1. That the Corps of Engineers, Army of the United States, be and hereby is urged to complete, at the earliest practicable date, its final recommendations with respect to the improvement and development of the Kentucky River Valley, with particular emphasis to be placed on whether the Federal Government intends to build the proposed Jessamine Creek Dam on the Kentucky River.

Section 2. That the construction of said Jessamine Creek Dam would be contrary to the best interests of the Commonwealth of Kentucky, and that a prompt decision is desired by the Commonwealth of Kentucky as to the final recommendations of the Corps of Engineers, for the improvement and development of the Kentucky River Valley in order that the State of Kentucky may proceed with its plans for the creation of a state park at Fort Boonesboro in Madison and Clark Counties, Kentucky.

Section 3. That the Clerk of the Senate cause copies of this resolution to be forwarded to the Commissioner of Conservation of

Kentucky, the Chief Engineer, Corps of Engineers, Army of the United States, Washington, D. C., the District Engineer, Corps of Engineers, Army of the United States, Louisville, Kentucky, the Secretary of the Department of Interior, Washington, D. C., and to the Senators and Congressmen representing the Commonwealth of Kentucky in the Congress of the United States.

Adopted.

Introductions

HR 10, by Representative Huddleston, A RESOLUTION directing that consideration of the Budget be delayed until each executive and administrative department and agency of state government has submitted to the House a detailed report concerning its personnel.

The Speaker referred **HR 10** to the Committee on Appropriations and Revenues.

Appeal from Decision of Chair

Representative Ockerman appeals decision of the Chair concerning **HB 1** being referred to Committee, saying Committee had not been properly appointed.

The Speaker asked Representative Billington to take the Chair.

Representative Everett moved for a roll call on the Appeal, seconded by Representative Fitzpatrick.

On roll call, the vote was yeas 53—Anderson, Bach, Bartley, Baumgardner, Billington, Brown, Buckner, Bush, Casey, Chaudoin, Clore, Combs, Cottengim, Crecelius, Dempsey, Duff, Everett, Fields, Finney, Fitzpatrick, Gay, Greene, Gullette, Hahn, Hale, Haley, Hart, Henry, Hopkins, Isler, H. N. Johnson, Kincer, Kubale, Lovelace, Lyon, McReynolds, Newberry, Ratcliffe, Rayburn, Reed, C. R. Reynolds, R. Reynolds, Richards, Smith, Sowards, Stith, Tinsley, Ed Thomas, S. R. Thomas, Walsh, Wathen, Wilson, Wirsch. Nays 38—Arnold, Barton, Breckinridge, Burke, Burress, Coffey, Everett E. Cook, Marlow Webster Cook, Bill Cornett, Paul Cornett, Paul Davis, Walter Davis, Farmer, Ford, Hislope, Huddleston, Kingsbury, Lowman, McCallum, McGuire, Mackey, Miller, Moore, Nunn, Ockerman, Parrish, Peace, Rausch, Ray, Jack Raybourne, Render, Searcy, Steiger, Tanner, Wells, Willen, Williams, and Young.

The Speaker was sustained in his decision.

Speaker Weintraub resumed the Chair.

Committees

The following members of the House were appointed by the Speaker to serve as the Committee on Appropriations and Revenues:

Chairman: Mr. Kubale.

Members: Mr. Baumgardner, Mr. Billington, Mr. Buchanan, Mr.

Buckner, Mr. Bush, Mr. Chaudoin, Mr. Clore, Mr. Combs, Mr. Dempsey, Mr. Everett, Mr. Finney, Mr. Fitzpatrick, Mr. Greene, Mr. Johnson (H. Nick), Mr. Johnson (Huston), Mr. McReynolds, Mr. Newberry, Mr. Parrish, Mr. Rausch, Mr. Richards, Mr. Sowards, Mr. Stith, Mr. Wirsch.

Representative Kubale moved that the House recess for fifteen minutes to allow time for a meeting of the Appropriations and Revenues Committee. Agreed.

After fifteen minute recess, the House was called to order by Speaker Weintraub.

Report of Committees

Appropriations and Revenues reported **HB 1** and **HB 2** with the expression of opinion that the same should pass.

HB 1, AN ACT relating to appropriations for the operation, maintenance, support and functioning of the Government of the Commonwealth of Kentucky and its various officers, departments, boards, institutions, subdivisions, agencies and other state supported activities.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

PART ONE

There is appropriated out of the General Expenditure Fund, including any unappropriated surplus to the General Expenditure Fund as of June 30, 1958, for the fiscal year beginning July 1, 1958, and ending June 30, 1959, and for the fiscal year beginning July 1, 1959, and ending June 30, 1960, the following sums for the following officers, departments, boards, commissions, institutions, and subdivisions of the State Government, and any and all other agencies of the State Government of the Commonwealth of Kentucky subject to the provisions of Chapters 12, 42, and 45 of the Kentucky Revised Statutes, for which a specific appropriation is in Part One listed as follows:

I. GENERAL GOVERNMENT

1. LEGISLATIVE

A. *Legislative Sessions*

1959-60	$501,790

B. *Legislative Research Commission*

1958-59	$144,955
1959-60	$148,365

C. *Legislative Journals and Acts.* For preparing, indexing, editing, and printing the Journals and Acts of the General Assembly. Any unexpended balance at the end of the first fiscal year of the biennium shall be carried over to the second year.

1958-59	$28,500
1959-60	$10,400

D. *The Council of State Governments*

1958-59	$9,375
1959-60	$9,375

E. *Statute Revision and Administrative Regulations*

1958-59	$52,205
1959-60	$52,730

TOTAL–LEGISLATIVE

1958-59	$235,035
1959-60	$722,660

2. LIEUTENANT GOVERNOR

A. *Office of the Lieutenant Governor*

1958-59	$17,200
1959-60	$17,200

B. *Operation of Old Governor's Mansion*

1958-59	$4,950
1959-60	$4,950

TOTAL–LIEUTENANT GOVERNOR

1958-59	$22,150
1959-60	$22,150

3. JUDICIARY

A. *Court of Appeals.* For normal recurring operating costs of Court of Appeals, including salaries of judges and Commissioners.

1958-59	$256,110
1959-60	$256,390

B. *Clerk of Court of Appeals*

1958-59	$36,140
1959-60	$37,530

C. *Judicial Council*

1958-59	$18,300
1959-60	$18,300

D. *Circuit Courts.* For salaries and expenses of circuit judges.

1958-59	$471,510
1959-60	$471,510

E. *Circuit Judges' Retirement System.* For administering and complying with the obligations of the State under the Circuit Judges' Retirement System Act, namely, KRS 23.300 to 23.380.

1958-59	$8,700
1959-60	$8,700

F. *State Law Library*

1958-59	$34,120
1959-60	$34,120

TOTAL—JUDICIARY

1958-59	$824,880
1959-60	$826,550

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4. EXECUTIVE DEPARTMENT

A. *Governor's Office*

1958-59	$85,230
1959-60	$86,035

B. *Contingent Fund*

1958-59	$12,000
1959-60	$12,000

C. *General Emergency Fund.* For meeting expenses deemed emergencies by the Governor, and to be expended by the Governor in his discretion for any emergency that he may determine requires the expenditure of any part of said fund. Any unexpended balance at the end of the first fiscal year of the biennium shall be carried over to the second year.

1958-59	$500,000
1959-60	$500,000

TOTAL—EXECUTIVE DEPARTMENT

1958-59	$597,230
1959-60	$598,035

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5. SECRETARY OF STATE

A. *Secretary of State*

1958-59	$61,350
1959-60	$62,250

6. DEPARTMENT OF LAW

A. *Attorney General*

1958-59	$131,300
1959-60	$132,350

7. DEPARTMENT OF THE TREASURY

A. *State Treasurer*

1958-59	$109,460
1959-60	$107,185

8. AUDITOR OF PUBLIC ACCOUNTS

A. *Auditor of Public Accounts*

1958-59	$134,200
1959-60	$137,700

9. DEPARTMENT OF FINANCE

A. *General Operations*

1958-59	$639,480
1959-60	$648,010

B. *Confederate Pensions*

1958-59	$11,500
1959-60	$10,500

C. *Paper for Election Ballots*

1958-59	$10,000
1959-60	$10,000

D. *Division of Services.* For general operations.

1958-59	$370,660
1959-60	$370,200

E. *Division of Services.* For operation of the Executive Mansion.

1958-59	$30,900
1959-60	$31,300

TOTAL–DEPARTMENT OF FINANCE

1958-59	$1,062,540
1959-60	$1,070,010

10. DEPARTMENT OF PERSONNEL

A. *Department of Personnel*

1958-59	$107,350
1959-60	$108,155

11. DEPARTMENT OF REVENUE

A. *General Operations*

1958-59	$1,589,100
1959-60	$1,612,000

B. *Reappraisals*

1958-59	$75,000
1959-60	$75,000

Any unexpended balance at the end of the 1958-59 fiscal year shall carry forward to the 1959-60 fiscal year.

C. *County Tax Commissioners*

1958-59	$1,603,000
1959-60	$1,460,300

TOTAL–DEPARTMENT OF REVENUE

1958-59	$3,267,100
1959-60	$3,147,300

12. ELECTIONS

A. *Board of Election Commissioners*

1958-59	$900
1959-60	$900

B. *Board of Registration and Purgation*

1958-59	$5,400
1959-60	$3,500

C. *Elections.* For County Elections (State Share).

1958-59	$170,000
1959-60	$170,000

D. *County Registration and Purgation Boards*–State Share

1958-59	$65,000
1959-60	$65,000

TOTAL–ELECTIONS

1958-59	$241,300
1959-60	$239,400

13. DEPARTMENT OF MILITARY AFFAIRS

A. *Adjutant General*

1958-59	$175,380
1959-60	$176,480

B. *Armories–Rental*

1958-59	$121,720
1959-60	$121,720

C. *Repairs to Armories*

1958-59	$34,400
1959-60	$35,400

D. *Civil Defense*

1958-59	$42,600
1959-60	$43,200

TOTAL–DEPARTMENT OF MILITARY AFFAIRS

1958-59	$374,100
1959-60	$376,800

14. KENTUCKY DISABLED EX-SERVICE MEN'S BOARD

A. *Kentucky Disabled Ex-Service Men's Board*

1958-59	$128,350
1959-60	$129,200

15. DEPARTMENT OF PUBLIC SAFETY

A. *General Operations.* To be used for the Office of the Commissioner, Division of State Police, and Division of Accident Control.

1958-59	$263,220
1959-60	$270,675

B. *Division of Fire Prevention*

1958-59	$261,775
1959-60	$259,175

TOTAL—DEPARTMENT OF PUBLIC SAFETY

1958-59	$524,995
1959-60	$529,850

16. DEPARTMENT OF AERONAUTICS

A. *General Operations*

1958-59	$82,010
1959-60	$90,145

B. *Emergency and Disaster Relief in Cooperation with Civil Air Patrol*

1958-59	$10,000
1959-60	$10,000

TOTAL—DEPARTMENT OF AERONAUTICS

1958-59	$92,010
1959-60	$100,145

17. DEPARTMENT OF ECONOMIC DEVELOPMENT

A. *General Operations*

1958-59	$337,500
1959-60	$313,300

B. *Planning and Zoning Division*

1958-59	$72,265
1959-60	$66,785

C. *Capital City Metropolitan Plan*

1958-59	$9,655
1959-60	$630

D. *Agricultural and Development Research*

1958-59	$25,000
1959-60	$25,000

TOTAL—DEPARTMENT OF ECONOMIC DEVELOPMENT

1958-59	$444,420
1959-60	$405,715

18. DEPARTMENT OF BUSINESS REGULATION

A. *Division of Athletic Control*

1958-59	$16,900
1959-60	$16,900

19. DEPARTMENT OF INDUSTRIAL RELATIONS

A. *Department of Industrial Relations.* For general operations other than the Workmen's Compensation Board.

1958-59	$123,340
1959-60	$126,990

20. DEPARTMENT OF MINES AND MINERALS

A. *Department of Mines and Minerals*

1958-59	$250,000
1959-60	$250,600

21. RAILROAD COMMISSION

A. *Railroad Commission*

1958-59	$31,800
1959-60	$32,500

22. DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

A. *Department of Alcoholic Beverage Control*

1958-59	$236,100
1959-60	$236,500

23. APPROPRIATIONS NOT OTHERWISE CLASSIFIED

A. *Money Refunded.* For refunding money paid into the State Treasury, which may be later determined not be a lawful collection by the State. No money shall be refunded, however, after it has been paid into the State Treasury except by authority of the head of the department or agency to whom the money was originally paid and the approval of the Commissioner of Finance and the Attorney General.

1958-59	The Amount Necessary
1959-60	The Amount Necessary

B. *Bonds of Elective and Appointive Officers.* For payment of premiums on bonds of elected and appointed State Officials who are required by law to execute bonds to the Commonwealth of Kentucky, the payment of which is incumbent upon the State.

1958-59	$13,000
1959-60	$13,000

C. *Judgments.* For payment of such judgments as may be rendered against the Commonwealth by order of Court and approved by the Attorney General.

1958-59	$10,000
1959-60	$10,000

D. *Frankfort Cemetery*

1958-59	$250
1959-60	$250

E. *Franklin Circuit Court.* For purchase of supplies and equipment in accordance with KRS 28.165.

1958-59	$300
1959-60	$300

F. *Statutes, Rules and Regulations for Courts.* For the purpose only of purchasing from the Legislative Research Commission copies of the official statutes of Kentucky, and annotations thereto, codes of practice and procedure, together with supplements thereto, and administrative regulations compilations in accordance with KRS 57.340, except where the Legislative Research Commission does not publish such material and the Director of the Legislative Research Commission so certifies. In such case, the State Law Librarian is authorized to purchase said material from commercial sources. Any unexpended balance at the end of the first fiscal year of the biennium shall be carried over to the second year.

1958-59	$3,000
1959-60	$3,000

G. *Interstate Oil Compact*

1958-59	$1,000
1959-60	$1,000

H. *Special Legislative Claims*

1958-59	The Amount Necessary
1959-60	The Amount Necessary

I. *Back Tax Collections*

1958-59	The Amount Necessary
1959-60	The Amount Necessary

J. *Prior Year Claims*

1958-59	The Amount Necessary
1959-60	The Amount Necessary

K. *Public Improvements.* For paying assessments for public works against property owned by the State as provided by KRS 93.440 and 94.297.

1958-59	$7,000
1959-60	$7,000

L. *Board of Claims Awards and Costs.* For the payment of awards or judgments made and costs taxed by the Board of Claims against departments, boards, commissions and other agencies maintained by appropriations out of the General Fund.

1958-59	$15,000
1959-60	$15,000

M. *Capital Planning and Zoning Commission.* For expenses of participation in the program of the Commission.

1958-59	$600
1959-60	$1,000

N. *Social Security for Circuit Clerks, Master Commissioners, and Court Reporters*

1958-59	$12,250
1959-60	$12,250

O. *Retirement—Circuit Clerks*

1958-59	$25,000
1959-60	$25,000

P. *Blanket Employee Surety Bonds.* For payment of premiums on blanket surety bonds as provided by KRS 62.170.

1958-59	$6,000
1959-60	$8,500

Q. *Presidential Electors Expense*

1959-60	$650

TOTAL—APPROPRIATIONS NOT OTHERWISE CLASSIFIED

1958-59	$93,400
1959-60	$96,950

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24. COUNTY COSTS

A. *Clerk's Services, Criminal Prosecutions, Jury Commissioners, Trustees of Jury Funds (Circuit Clerks), Commissions on Fines and Forefeitures, Commonwealth's Attorneys, Return of Fugitives from Justice, County Highway Patrol, Premiums on Sheriff's Bonds, Pauper Idiots, and County Boards of Supervisors.* All County Costs are deemed to be necessary governmental expenses and additional funds may be allotted by the Commissioner of Finance.

1958-59	$3,034,600
1959-60	$3,034,600

25. DEPARTMENT OF INSURANCE

A. *General Operations*

1958-59	$296,900
1959-60	$299,100

26. KENTUCKY STATE HISTORICAL SOCIETY

A. *Kentucky State Historical Society*

1958-59	$30,065
1959-60	$32,740

27. LIBRARY EXTENSION DIVISION

A. *General Operations*

1958-59	$130,000
1959-60	$130,000

B. *Public Library Service Commission*

1958-59	$50,000
1959-60	$50,000

TOTAL—LIBRARY EXTENSION DIVISION

1958-59	$180,000
1959-60	$180,000

28. DEPARTMENT OF PUBLIC RELATIONS

A. *Department of Public Relations*

1958-59	$209,405
1959-60	$219,020

B. *Governor's Commission on Tourist Promotion.* To be used by the Department for staff and promotional activities recommended by the Governor's Commission on Tourist Promotion and approved by the Governor.

1958-59	$50,000
1959-60	$50,000

TOTAL—DEPARTMENT OF PUBLIC RELATIONS

1958-59	$259,405
1959-60	$269,020

29. DEPARTMENT OF MOTOR TRANSPORTATION

A. *Division of Motor Vehicle Dealer Licensing*

1958-59	$40,960
1959-60	$40,495

TOTAL—I. GENERAL GOVERNMENT

1958-59	$12,951,240
1959-60	$13,331,850

II. HEALTH AND WELFARE

30. DEPARTMENT OF WELFARE

A. *Central Office.* For expenses of the Office of the Commissioner, Division of Staff Services, Division of Corrections and Division of Farm Management.

1958-59	$200,100
1959-60	$201,800

B. *Kentucky Training Home*

1958-59	$892,500
1959-60	$896,500

C. *Penal Institutions.* For expenses of Kentucky State Reformatory, Kentucky State Penitentiary, and Women's Prison.

1958-59	$2,111,300
1959-60	$2,137,500

D. *Division of Probation and Parole*

1958-59	$470,400
1959-60	$473,200

E. *Parole Board*

1958-59	$40,200
1959-60	$40,400

F. *Children's Services.* For expenses of the Division of Children's Institutions, Kentucky Village and Kentucky Children's Home.

1958-59	$1,117,300
1959-60	$1,127,600

G. *Home for Incurables*

1958-59	$15,000
1959-60	$15,000

H. *Maintenance of Buildings*

1958-59	$100,000
1959-60	$100,000

TOTAL—DEPARTMENT OF WELFARE

1958-59	$4,946,800
1959-60	$4,992,000

31. DEPARTMENT OF ECONOMIC SECURITY

For ordinary expenses of operation and cooperation (matching of funds) with the Federal Government under the Social Security Act of August 14, 1935, and any amendments now in effect or hereinafter enacted and under any act of Congress supplementing said act as amended, including adjustments of prior year or current year accounts necessary to comply with the federal regulations. Also, for the administration of Old Age Assistance, Aid to Dependent Children, Services to Needy Children, Aid to the Needy Blind and Aid to the Permanently and Totally Disabled.

A. *Public Assistance—Administration.* Notwithstanding the provisions of KRS 45.235 and any other provisions of the Kentucky Revised Statutes, any unencumbered balance of this appropriation remaining at the end of the first fiscal year of the biennium shall lapse in accordance with the provisions of KRS 45.230.

1958-59	$1,441,680
1959-60	$1,456,850

B. *Public Assistance — Benefits.* For Old Age Assistance Payments, Aid to the Needy Blind, Aid to Dependent Children and Aid to the Permanently and Totally Disabled, and not to be used for costs of administration. Any unexpended balance at the end of the first fiscal year shall be carried over to the second and placed in a reserve fund which may be expended by the Commissioner of Economic Security for the purposes of this appropriation with the approval of the Governor.

1958-59	$12,591,430
1959-60	$12,791,220

C. *Children's Services – Administration.* Notwithstanding the provisions of KRS 45.236 and any other provisions of the Kentucky Revised Statutes, any unencumbered balance of this appropriation remaining at the end of the first fiscal year of the biennium shall lapse in acordance with the provisions of KRS 45.230.

1958-59	$496,720
1959-60	$504,210

D. *Children's Services—Benefits.* For boarding home care, medical care, and other benefit expenses, and not to be used for costs of administration. Notwithstanding the provisions of KRS 45.236 and any other provisions of the Kentucky Revised Statutes, any unencumbered balance of this appropriation remaining at the end of the first fiscal year of the biennium shall lapse in accordance with the provisions of KRS 45.230.

1958-59	$240,000
1959-60	$260,000

E. *Division of Personnel Security.* For State's share of expenses in administering the Social Security Act.

1958-59	$17,720
1959-60	$17,750

TOTAL—DEPARTMENT OF ECONOMIC SECURITY

1958-59	$14,787,550
1959-60	$15,030,030

32. DEPARTMENT OF HEALTH

A. *General Operations*

1958-59	$1,105,700
1959-60	$1,053,400

B. *County Health*

1958-59	$1,523,600
1959-60	$1,782,000

Any unexpended balance at the end of the 1958-59 fiscal year shall carry forward to the 1959-60 fiscal year.

C. *Red Cross Hospital*

1958-59	$15,000
1959-60	$10,000

D. *Julius Marks Tuberculosis Sanatorium*

1958-59	$90,000
1959-60	$90,000

E. *Covington-Kenton County Tuberculosis Sanatorium*

1958-59	$45,000
1959-60	$45,000

F. *Warren County Tuberculosis Sanatorium*

1958-59	$32,400
1959-60	$32,400

G. *Waverly Hills Tuberculosis Sanatorium*

1959-60	$250,000
1958-59	$250,000

H. *Water Pollution Control Commission*

1958-59	$29,600
1959-60	$30,300

I. *American Society for Control of Cancer – Kentucky Division*

1958-59	$45,000
1959-60	$45,000

J. *Rural Medical Scholarship Fund.* To be expended for the purposes of the present rural medical scholarship fund only.

1958-59	$25,000
1959-60	$25,000

TOTAL–DEPARTMENT OF HEALTH

1958-59	$3,161,300
1959-60	$3,363,100

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33. KENTUCKY CRIPPLED CHILDREN COMMISSION

A. *Kentucky Crippled Children Commission*

1958-59	$241,300
1959-60	$243,700

34. STATE TUERCULOSIS HOSPITAL COMMISSION

A. *State Tuberculosis Hospital Commission.* For administrative and operating expenses of the Commission and institutions under its control and supervision.

1958-59	$2,450,815
1959-60	$2,472,195

35. DEPARTMENT OF MENTAL HEALTH

A. *Department of Mental Health*

1958-59	$8,189,340
1959-60	$8,282,330

TOTAL—II. HEALTH AND WELFARE

1958-59	$33,777,105
1959-60	$34,383,355

III. EDUCATION

36. DEPARTMENT OF EDUCATION

A. *General Operations.* For expenses of the divisions within the department and the State Board of Education.

1958-59	$813,430
1959-60	$829,135

B. *Division of Education for Veterans (Veterans' Approval Agency).* For payment of administrative expenses in connection with the approval of educational institutions for training and educating veterans for which reimbursement is made by the Federal Government. This appropriation shall not lapse at the end of the fiscal year 1958-59, but shall be available during the second year of the biennium, and shall lapse at the end of the biennium.

1958-59	$14,000

C. *School Foundation Program*

1958-59	$60,105,700
1959-60	$62,481,300

The State Board of Education shall not approve any working budget or salary schedule for local boards of education for the school years 1958-59 and 1959-60 in which the total amount budgeted for teachers' salaries is not equal to or greater than the amount to be included in the Foundation Program for a district for teachers' salaries as determined under KRS 157.390. No working budget or salary schedule shall be approved in which the average salary paid any rank of teacher is not at least equivalent to the allotment for that rank and in which any teacher is paid less than ninety per cent of the Foundation Program allotment for that rank.

The Superintendent of Public Instruction shall not allot to any school district more basic classroom units than the number of teachers employed by that school district for basic classroom units. No basic classroom units shall be allotted which increase in 1958-59 or 1959-60 the differential between the pupil-teacher ratio of the secondary grades (9-12) and the elementary grades (1-8) in 1957-58. No basic classroom units shall be approved which provide in a given building or school a lower pupil-teacher ratio than twenty-seven in average daily attendance to one or the pupil-teacher ratio which obtained in 1957-58, whichever is lower.

The Superintendent of Public Instruction shall allot classroom units for superintendents, principals, their certified assistants and special instructional personnel as provided in KRS 157.360, subsection 6, only for personnel who are qualified for their respective positions under provisions of law and regulations of the State Board of Education and who maintain programs approved under regulations of the State Board of Education.

The number of units allotted by the Superintendent of Public Instruction for vocational education and the education of exceptional children shall not exceed the following:

	1958-59	1959-60
Vocational Agriculture	260	265
Vocational Home Economics	375	386
Trades and Industries	70	75
Distributive Occupations	20	25
Exceptional Children	158	180

The Superintendent of Public Instruction shall not allot a full classroom unit for any one-teacher school with fewer than 25 pupils in average daily attendance unless it has been determined on the basis of a survey that no facilities are available to which these pupils could be transported under regulations of the State Board of Education and no full classroom units shall be allotted for any one-teacher school which has fewer than 12 pupils in average daily attendance.

Facilities that are used to house school children shall be approved by the Superintendent of Public Instruction under KRS 162.060 and 162.160. No alterations or additions of old buildings shall be made without prior approval of the Superintendent of Public Instruction. No space shall be rented or purchased and converted to classroom use without prior approval of the Superintendent of Public Instruction. The State Board of Education may adopt regulations for the approval on an annual basis of temporary facilities for the housing of school children but these regulations shall not permit the division of any present room by partitions of nonstructural material. No classroom units shall be allotted for a second teacher in the same classroom. No facilities shall be approved for classroom use which are detrimental to the health of or dangerous to the safety of school children.

If a school district operates any school or grade of a school for a term of less than nine scholastic months or for a school day of less than the minimum required by KRS 158.060, the average daily attendance of such school shall be reduced proportionately by the Superintendent of Public Instruction in determining the allotment of classroom units provided for under KRS 157.360, subsection 2, except as provided for by regulations of the State Board of Education.

If at the time of the tentative allotment of school funds under KRS 157.310 through 157.440, it shall be determined that insufficient revenue is available to finance in full the Foundation Program including a provision that no district receive less than $80 per child in average daily attendance and no district receive less total state aid than it received from the Per Capita Fund in 1955-56, the Superintendent of Public Instruction shall not allot any classroom units under KRS 157.360, subsection 3. So much of the public school foundation program fund, which would not be distributed during 1958-59 due to the failure of one or more participating districts to meet the full requirements, shall be held in account for distribution the following year among districts which meet requirements for participation.

Beginning August 1 of each year and on the first of each month thereafter for seven successive months, one-twelfth of each district's share of the foundation program fund less capital outlay shall be distributed. On or before March 1 of each year the Superintendent of Public Instruction shall determine the exact amount of the public school foundation program fund to which each district is entitled, and the remainder of the amount due each district for the year less capital outlay shall be distributed in four equal installments beginning March 15 and for three successive months thereafter. Capital outlay allotments may be made twice a year.

D. *Free Textbooks.* For the purchase of textbooks as provided for in KRS 157.100 and 157.190.

1958-59	$1,200,000
1959-60	$1,200,000

E. *Vocational Education-Adult Special Programs*

1958-59	$409,090
1959-60	$407,995

To be expended in accordance with regulations of the State Board of Education.

F. *Out-of-District Children*

1958-59	$30,000
1959-60	$30,000

G. *Kentucky School for the Blind*

1958-59	$227,815
1959-60	$230,410

H. *Mayo State Vocational School*

1958-59	$199,180
1959-60	$208,015

I. *Northern Kentucky Vocational School*

1958-59	$64,785
1959-60	$66,730

J. *West Kentucky Vocational School*

1958-59	$120,775
1959-60	$128,300

K. *The Division of Rehabilitation Services*

1958-59	$250,000
1959-60	$250,000

Any unexpended balance at the end of the first fiscal year of the biennium not to exceed $10,000 shall be carried over to the second year.

L. *Kentucky Industries for the Blind*

1958-59	$25,385
1959-60	$25,385

TOTAL—DEPARTMENT OF EDUCATION

1958-59	$63,460,160
1959-60	$65,857,270

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37. COUNCIL ON PUBLIC HIGHER EDUCATION

A. *Council on Public Higher Education — Administration.* To be expended only for the salaries and expenses of a full-time staff to administer the functions of the Council including administration of the Veterinary Medicine Scholarship Program and the Medical Education Program.

1958-59	$16,000
1959-60	$16,000

B. *Southern Regional Education Board.* For participation in the activities of the Southern Regional Education Board including the Mental Health Council and the Veterinary Medicine Program.

1958-59	$97,000
1959-60	$97,000

C. *Medical Education Program*

1958-59	$500,000
1959-60	$440,000

TOTAL—COUNCIL ON PUBLIC HIGHER EDUCATION

1958-59	$613,000
1959-60	$553,500

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38. UNIVERSITY OF KENTUCKY

A. *Division of Colleges*

1958-59	$5,606,000
1959-60	$6,116,600

B. *Interest on Land Grant Bonds*

1958-59	$8,700
1959-60	$8,700

C. *Agricultural Experiment Station*

1958-59	$796,000
1959-60	$827,000

D. *Agricultural Extension.* For expenses of Agricultural Extension, and participation under the Hope-Flannigan Act (Agricultural Extension).

1958-59	$931,000
1959-60	$972,000

E. *Medical Center*

1958-59	$438,400
1959-60	$978,500

F. *Water Investigations*

1958-59	$102,200
1959-60	$102,200

G. *Topographic Mapping*

1958-59	$12,000
1959-60	$16,000

H. *Minerals Investigations*

1958-59	$44,100
1959-60	$44,100

I. *East Kentucky Mineral and Water Survey*

1958-59	$25,000
1959-60	$25,000

TOTAL–UNIVERSITY OF KENTUCKY

1958-59	$7,963,400
1959-60	$9,090,100

39. EASTERN STATE COLLEGE

A. *Eastern State College*

1958-59	$1,131,980
1959-60	$1,255,000

40. MOREHEAD STATE COLLEGE

A. *Morehead State College*

1958-59	$879,600
1959-60	$983,420

41. MURRAY STATE COLLEGE

A. *Murray State College*

1858-59	$1,046,210
1959-60	$1,156,125

42. WESTERN STATE COLLEGE

A. *Western State College*

1958-59	$1,081,720
1959-60	$1,175,590

43. KENTUCKY STATE COLLEGE

A. *Kentucky State College*

1958-59	$583,580
1959-60	$629,060

44. TEACHERS' RETIREMENT SYSTEM

A. *Teachers' Retirement System.* For administering and complying with the obligations of the State under the Teachers' Retirement Act, namely, KRS 161.220 to 161.710.

1958-59	$4,467,200
1959-60	$4,643,800

45. SCHOOL FOR THE DEAF

A. *School for the Deaf*

1958-59	$397,700
1959-60	$402,500

46. LINCOLN INSTITUTE

A. *Lincoln Institute*

1958-59	$131,810
1959-60	$137,395

TOTAL–III. EDUCATION

1958-59	$81,756,360
1959-60	$85,883,760

IV. AGRICULTURE AND CONSERVATION

47. DEPARTMENT OF AGRICULTURE

A. *General Operations*

1958-59	$429,620
1959-60	$431,850

B. *Livestock Sanitation and Disease Control*

1958-59	$400,000
1959-60	$400,000

TOTAL–DEPARTMENT OF AGRICULTURE

1958-59	$829,620
1959-60	$831,850

48. STATE FAIR BOARD

A. *State Fair Premiums*

1958-59	$125,000
1959-60	$125,000

B. *State Fair Exposition Center Debt Retirement Deficit*

1958-59	$80,000

TOTAL–STATE FAIR BOARD

1958-59	$205,000
1959-60	$125,000

49. DEPARTMENT OF CONSERVATION

A. *Office of the Commissioner*

1958-59	$119,100
1959-60	$119,300

B. *Division of Forestry*

1958-59	$458,600
1959-60	$458,900

C. *Division of Parks*

1958-59	$275,000
1959-60	$275,000

D. *Division of Soil and Water Resources*

1958-59	$104,400
1959-60	$104,800

E. *Division of Flood Control and Water Usage*

1958-59	$113,600
1959-60	$113,900

F. *Ohio River Valley Water Sanitation Commission*

1958-59	$27,560
1959-60	$27,560

TOTAL—DEPARTMENT OF CONSERVATION

1958-59	$1,098,260
1959-60	$1,099,460

50. BREAKS INTERSTATE PARK COMMISSION

A. *Breaks Interstate Park Commission.* For construction, maintenance and operation of Breaks Interstate Park.

1958-59	$50,000
1959-60	$50,000

TOTAL—IV. AGRICULTURE AND CONSERVATION

1958	$2,182,880
1959-60	$2,106,310

V. OTHER

51. DEPARTMENT OF FINANCE

A. *Capital Construction.* For expenditure in accordance with the provisions of Chapter 56 of the Kentucky Revised Statutes. Any unencumbered balance of this appropriation and of prior capital construction appropriations including balances of appropriations of the State Property and Buildings Commission which were transferred to the Department of Finance by Chapter 56 of the Kentucky Revised Statutes and which remain on June 30, 1958, may be expended thereafter and shall not lapse but shall be carried forward until expended. All monies transferred to the Department of Finance for capital construction from other appropriations in accordance with KRS 56.510 shall not lapse but shall be carried forward until expended. This appropriation shall include $12,000,000 in 1958-59 for the purpose of constructing buildings for the medical school at the University of Kentucky.

1958-59	$17,568,500
1959-60	$ 2,425,000

52. KENTUCKY COMMISSION ON ALCOHOLISM

A. *Kentucky Commission on Alcoholism*

1958-59	$25,000
1959-60	$25,000

TOTAL—V. OTHER

1958-59	$17,593,500
1959-60	$ 2,450,000

GRAND TOTAL

1958-59	$148,261,085
1959-60	$138,155,275

PART TWO

STATE ROAD FUND

There is established for the purpose of paying all costs of operation and maintenance of the Department of Highways and for carrying on its activities and functions, a State Road Fund which shall consist of all revenue realized from fees, taxes and license fees levied for state road purposes now authorized by law, and any additional or other revenues, grants or funds, including any amount which may be received from Federal aid or any other source pursuant to the provisions of KRS 177.030, made available for the construction or reconstruction of public roads or for any other of the activities administered by the Department of Highways. Such receipts and revenues, together with any balance in the existing State Road Fund as of June 30, 1958, shall constitute the State Road Fund for the fiscal years 1958-59 and 1959-60. There is appropriated from the State Road Fund the following amounts for the following departments, agencies, and subdivisions of the State Government, for the following purposes:

I. HIGHWAY DEPARTMENT GENERALLY

1. DEPARTMENT OF HIGHWAYS

A. *Department of Highways.* For use by the Department in activities, functions, and duties performed by it as prescribed by law, all monies received and placed to the credit of the State Road Fund, not otherwise appropriated in this or any other Act.

2. RURAL HIGHWAYS

A. *Division of Rural Highways.* For improvement, construction, reconstruction and maintenance of county roads and bridges, which have not been accepted by the Department of Highways for maintenance, the sum of Five Million Dollars ($5,000,000) for each of the fiscal years 1958-59 and 1959-60. This appropriation is to be expended in accordance with the provisions of KRS 179.410 to 179.430. Not more than six per cent (6%) of this appropriation shall be used for administration.

B. *Secondary and Rural Roads.* For the construction, reconstruction, and maintenance of secondary and rural roads, two-sevenths of all revenue received under the provisions of KRS 138.320. This appropriation is in addition to the amount appropriated under Section I, Subsection 2, Paragraph A, of Part Two of the Appropriation Act.

II. APPROPRIATIONS TO DEPARTMENTS AND AGENCIES OTHER THAN HIGHWAYS

3. DEPARTMENT OF THE TREASURY

A. *Department of the Treasury.* For expenses pertaining to treasury administration for the Department of Highways.

1958-59	$58,940
1959-60	$57,715

4. DEPARTMENT OF FINANCE

A. *Department of Finance.* For expenses pertaining to financial administration for the Department of Highways.

1958-59	$196,580
1959-60	$197,550

B. *Division of Services.* For expenses of operation of buildings for the Department of Highways.

1958-59	$110,590
1959-60	$111,300

5. DEPARTMENT OF PERSONNEL

A. *Department of Personnel.* For expenses pertaining to personnel administration for the Department of Highways.

1958-59	$71,565
1959-60	$72,100

6. DEPARTMENT OF REVENUE

A. *Department of Revenue.* For administering and enforcing the laws pertaining to the gasoline, motor fuels and any other taxes comprising the State Road Fund, and administering and enforcing the laws relating to motor vehicle registration and other laws relating to motor vehicles and highways.

1958-59	$1,059,300
1959-60	$1,074,700

7. DEPARTMENT OF PUBLIC SAFETY

A. *General Operations.* To be used for the Office of the Commissioner, Division of State Police and Division of Accident Control for expenses pertaining to the enforcement of laws relating to highway use and safety.

1958-59	$4,123,835
1959-60	$4,240,580

B. *Division of Operator Responsibility.* For expenses pertaining to the enforcement of laws relating to motor vehicle operators responsibility.

1958-59	$151,280
1959-60	$153,810

8. UNIVERSITY OF KENTUCKY

For expenses pertaining to the acquisition of data used in highway planning and construction.

A. *Topographic Mapping Program*

1958-59	$12,000
1959-60	$16,000

B. *Water Investigations*

1958-59	$51,100
1959-60	$51,100

9. DEPARTMENT OF MOTOR TRANSPORTATION

A. *Department of Motor Transportation*

1958-59	$457,485
1959-60	$460,495

10. DEPARTMENT OF PUBLIC RELATIONS

A. *Department of Public Relations.* For expenses incident to the preparation, publication and distribution of road maps, booklets, photographs, advertisements and other activities intended to advertise and publicize Kentucky highways and highway conditions, tourist, scenic and travel attractions and places of interest to motorists.

1958-59	$250,000
1959-60	$250,000

TOTAL—APPROPRIATIONS TO DEPARTMENTS AND AGENCIES OTHER THAN HIGHWAYS

1958-59	$6,542,675
1959-60	$6,685,350

III. ADMINISTRATION AND EFFECT

All funds appropriated to the Department of Highways by Section I of Part Two of this Act (Highway Department Generally) shall be allocated equitably by the Commissioner of Highways, with the approval of the Commissioner of Finance, between the various activities and functions of the Department of Highways.

The appropriations made by this Act are subject to the provisions of Chapters 12, 42, and 45 of the Kentucky Revised Statutes. Nothing in this Act shall be construed to repeal any appropriation for the fiscal year to the State Road Fund ending June 30, 1958.

PART THREE

REVOLVING, TRUST AND AGENCY FUNDS

There is appropriated to the various boards, commissions, institutions, agencies and/or subdivisions of the State Government only as are listed herein for the fiscal year ending June 30, 1959, and for the fiscal year ending June 30, 1960, all of the fees (which includes fees for board and room, athletics, student activities) and rentals, admittances, sales, licenses collected by law, contributions, gifts, subventions, federal grants and other federal receipts and other miscellaneous receipts produced or received by any of the following agencies of the State Government, except as otherwise specifically provided, for the use and benefit of each of the below-named agencies of the State Government for the purposes for which each fund is authorized. Receipts which are received by each of the respective agencies of the State Government listed herein shall be placed to the credit of a Revolving or Trust and Agency Fund out of which shall be established separate Revolving or Trust and Agency Fund Accounts for the use and benefit of these agencies of the State Government for purposes for which each fund is authorized.

In the event receipts received and credited to any Revolving or Trust and Agency Fund Account during fiscal year 1958-59 or fiscal year 1959-60 and any balance forwarded to the credit of any such account from the previous fiscal year exceed the appropriation made by specific sum to said account in this Part of this Appropriation Act, the excess is appropriated to the credit of said account for the fiscal year in which the excess occurs; provided, however, that said excess shall become available for expenditure for the purpose of the account during said year only with the authorization of the Commissioner of Finance and approval of the Governor.

Except as herein otherwise provided, the appropriate agency may requisition for expenditure from the Revolving or Trust and

Agency Fund Account, through the Department of Finance, during the fiscal year ending June 30, 1959, and during the fiscal year ending June 30, 1960, all receipts placed to the credit of the Revolving or Trust and Agency Fund for such year, out of which has been established a Revolving or Trust and Agency Fund Account for each separate agency during such fiscal year, plus any balance which said agency may have had forwarded from the preceding year on or before September 30, of the then current fiscal year, by the Department of Finance.

I. GENERAL GOVERNMENT

1. LEGISLATIVE RESEARCH COMMISSION

A. *Statute Revision–Administrative Regulations*

B. *Statute Revision Commission–Printing Revolving Fund.* To be used for the printing and the distribution costs of the Kentucky Revised Statutes, Notes and Annotations to the Kentucky Revised Statutes, and supplements to these publications. Reimbursement shall be made to this account from sales of these publications.

2. JUDICIARY

A. *Board of Bar Examiners*

1958-59	$10,500
1959-60	$10,500

3. AUDITOR OF PUBLIC ACCOUNTS

A. *Auditor of Public Accounts*

1958-59	$27,800
1959-60	$27,800

4. DEPARTMENT OF FINANCE

A. *Paper Revolving Fund.* The balance in the Paper Revolving Fund and all receipts credited to the Fund during the 1958-59 fiscal year and during the 1959-60 fiscal year are appropriated for use during that period.

B. *Division of Services Revolving Fund.* To be used to purchase and provide stamps and postage, supplies and equipment for the various budget units of State Government. Reimbursement shall be made to this account by the various budget units for materials, supplies and utility services furnished and services rendered. Any funds to the credit of this account shall be available for expenditure for any of the purposes specified herein but such accounting practices shall be maintained by the division as will accurately reflect the financial condition of the various functions being performed with the funds in the account. Any unexpended balance remaining at the end of the fiscal year 1958-59 shall not lapse, but shall be available for expenditure during the following fiscal year.

C. *Central Stores Revolving Fund.* Any funds to the credit of the Central Stores Revolving Fund shall be available for purchase of supplies and services. Reimbursements shall be made to this account by the budget unit for supplies and services used. Any unexpended balance remaining at the end of fiscal year 1958-59 shall not lapse but shall be available for expenditure during the following fiscal year.

D. *Capital Construction.* All real estate rentals, sales and other receipts including all such receipts collected during the fiscal years ending June 30, 1957, and June 30, 1958, pursuant to the provisions of Chapter 56 of the Kentucky Revised Statutes.

5. DEPARTMENT OF AERONAUTICS

A. *Office of the Commissioner*

1958-59	$10,099
1959-60	$ 2,300

B. Airport Development

6. DEPARTMENT OF PUBLIC SAFETY

A. *Division of State Police*

1958-59	$164,920
1959-60	$ 96,500

7. DEPARTMENT OF ECONOMIC DEVELOPMENT

A. *General Operations*

1958-59	$18,300
1959-60	$27,000

B. *Planning and Zoning Division*

1958-59	$112,180
1959-60	$112,500

C. *Capital City Metropolitan Plan*

1958-59	$28,970
1959-60	$ 3,245

8. DEPARTMENT OF BUSINESS REGULATION

A. *Board of Accountancy*
B. *Board of Psychology*
C. *Board of Examiners and Registration of Architects*
D. *Board of Barber and Beautician Examiners*
E. *Board of Chiropractic Examiners*
F. *Board of Dental Examiners*
G. *Board of Embalmers and Funeral Directors*
H. *Board of Pharmacy*
I. *Board of Prophylactic Enforcement*
J. *Board of Nursing Education and Nurse Registration*
K. *Board of Veterinary Examiners*
L. *Board of Registration for Professional Engineers*
M. *Kentucky Real Estate Commission*

N. *Board of Optometric Examiners*
O. *Board of Chiropody*
P. *Board of Ophthalmic Dispensers*

9. DEPARTMENT OF INDUSTRIAL RELATIONS

A. *Department of Industrial Relations—Workmen's Compensation Board*

1958-59	$247,735
1959-60	$251,120

10. DEPARTMENT OF MINES AND MINERALS

A. *Department of Mines and Minerals*

1958-59	$77,200
1959-60	$86,400

11. DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

A. *Confiscation Expense*

1958-59	$5,000
1959-60	$5,000

12. DEPARTMENT OF BANKING

A. *Department of Banking*

1958-59	$166,760
1959-60	$167,980

B. *Division of Securities*

1958-59	$11,420
1959-60	$11,420

13. COUNTY FEES

A. *Jefferson County Master Commissioner*

B. *Jefferson County Receiver*

C. *Jefferson County Fees.* For paying various officials of Jefferson County seventy-five per cent (75%) of the fees provided by law to be paid by the State to such officials when such claims for fees have been presented to the Department of Finance in the form and manner prescribed by law and approved by the Commissioner of Finance, and to pay to the Fiscal Court of said County twenty-five per cent (25%) of said fees as may be required by KRS 64.350.

D. *Kenton County Fees.* For paying various officials of Kenton County seventy-five per cent (75%) of the fees provided by law to be paid by the State to such officials when such claims for fees have been presented to the Department of Finance in the form and manner prescribed by law and approved by the Commissioner of Finance, and to pay to the Fiscal Court of said County twenty-five per cent (25%) of said fees as may be required by KRS 64.350.

E. *Fayette County Fees.* For paying various officials of Fayette County seventy-five per cent (75%) of the fees provided by law to be paid by the State to such officials when such claims for fees have been presented to the Department of Finance in the form and manner prescribed by law and approved by the Commissioner of Finance, and to pay to the Fiscal Court of said County twenty-five per cent (25%) of said fees as may be required by KRS 64.350.

F. *Campbell County Fees.* For paying various officials of Campbell County seventy-five per cent (75%) of the fees provided by law to be paid by the State to such officials when such claims for fees have been presented to the Department of Finance in the form and manner prescribed by law and approved by the Commissioner of Finance and to pay to the Fiscal Court of said County twenty-five per cent (25%) of said fees as may be required by KRS 64.350.

G. *Pike County Fees.* For paying various officials of Pike County seventy-five per cent (75%) of the fees provided by law to be paid by the State to such officials when such claims for fees have been presented to the Department of Finance in the form and manner prescribed by law and approved by the Commissioner of Finance, and to pay to the Fiscal Court of said County twenty-five per cent (25%) of said fees as may be required by KRS 64.350.

14. TRUCK LICENSES—COUNTY SHARE

A. *Truck Licenses—County Share.* There shall be credited to this fund for the purpose of distribution to counties such portion of truck licenses as is provided by law, at such times as the Department of Finance may order.

15. DEPARTMENT OF INSURANCE

Notwithstanding any provisions of KRS 136.360, 234.160, 228.030, and 304.463 to the contrary, the following receipts only are authorized to be placed to the credit of the Trust and Agency Fund and are authorized for expenditure out of the Trust and Agency Fund. All other receipts collected during the 1958-60 biennium shall be placed to the credit of the General Expenditure Fund.

A. *Custodian of Securities.* All sums paid for expenses under the provisions of KRS 304.503.

B. *Insurance Examiners Expense.* All fees paid pursuant to the provisions of KRS 304.503. Notwithstanding the provisions of KRS 304.035 to the contrary, any amount unexpended at the end of the 1957-58 fiscal year and each fiscal year thereafter in excess of $10,000 shall lapse to the General Expenditure Fund.

C. *State Fire and Tornado Insurance Fund.* All money remaining in the Fund as of June 30, 1958, and all money placed to the credit of the Fund during the 1958-60 biennium, except that notwithstanding the provision of KRS 56.150 to the contrary, no funds may be used for expenses of administration.

16. KENTUCKY HISTORICAL SOCIETY

A. *Kentucky Historical Society*

1958-59	$12,235
1959-60	$10,460

17. LIBRARY EXTENSION DIVISION

A. *Library Extension Division*

1958-59	$220,015
1959-60	$220,015

18. PUBLIC SERVICE COMMISSION

A. *Public Service Commission*

1958-59	$246,550
1959-60	$248,820

19. DEPARTMENT OF PUBLIC RELATIONS

A. *Department of Public Relations*

1958-59	$10,000
1959-60	$10,000

II. HEALTH AND WELFARE

1. DEPARTMENT OF WELFARE

A. *Central Office*

B. *Kentucky Training Home*

1958-59	$25,000
1959-60	$25,000

C. *Penal Institutions*

1958-59	$172,000
1959-60	$158,000

D. *Children's Services*

1958-59	$46,900
1959-60	$37,900

E. *Prison Industries*

1958-59	$829,700
1959-60	$934,000

2. DEPARTMENT OF ECONOMIC SECURITY

A. *Department of Economic Security*

B. *Kentucky Employees Retirement System*

1958-59	$57,000
1959-60	$57,500

3. DEPARTMENT OF HEALTH

A. *General Operations*

1958-59	$1,088,500
1959-60	$1,038,500

B. *County Health*

1958-59	$245,400
1959-60	$245,400

C. *Water Pollution Control Commission*

1958-59	$54,900
1959-60	$54,900

4. KENTUCKY CRIPPLED CHILDREN COMMISSION

A. *Kentucky Crippled Children Commission*

5. STATE TUBERCULOSIS HOSPITAL COMMISSION

A. *State Tuberculosis Hospital Commission*

1958-59	$195,285
1959-60	$194,550

6. DEPARTMENT OF MENTAL HEALTH

A. *Department of Mental Health*

1958-59	$708,300
1959-60	$643,300

III. EDUCATION

1. DEPARTMENT OF EDUCATION

A. *General Operations*

1958-59	$143,885
1959-60	$122,720

B. *Division of Property Utilization (Surplus Property)*

1958-59	$250,080
1959-69	$251,780

C. *Division of Education for Veterans (Veterans' Approval Agency)*

1958-59	$50,230
1959-60	$50,655

D. *School Foundation Program*

1958-59	$583,600
1959-60	$583,600

E. *School Lunch Program*

1958-59	Amount Received
1959-60	Amount Received

F. *School Milk Program*

1958-59	Amount Received
1959-60	Amount Received

G. *Vocational Education–Adult–Special*

1958-59	$689,565
1959-60	$674,470

H. *Vocational Education—Veterans' Program*

1958-59	$203,540
1959-60	$131,570

I. *Jeannes Fund*

1958-59	$620
1959-60	$620

J. *Mayo State Vocational School*

1958-59	$118,780
1959-60	$112,400

K. *Northern Kentucky Vocational School*

1958-59	$15,335
1959-60	$14,000

L. *West Kentucky Vocational School*

1958-59	$57,825
1959-60	$52,700

M. *Division of Rehabilitation Services*

1958-59	$492,680
1959-60	$543,285

N. *Kentucky Industries for the Blind Revolving Fund.* To be used to purchase and provide materials to be used in producing items at the Kentucky Industries for the Blind. Reimbursement shall be made to this fund from the sale of the completed products. Any unexpended balance remaining at the end of the 1958-59 fiscal year shall not lapse but shall be available for expenditure during any following fiscal year.

O. *Business Enterprise Program*

1958-59	$8,775
1959-60	$9,135

P. *OASI Disability Determination Program*

2. UNIVERSITY OF KENTUCKY

A. *University of Kentucky*

1958-59	$5,917,100
1959-60	$6,109,500

B. *Medical Center*

1959-60	$20,000

3. EASTERN STATE COLLEGE

A. *Eastern State College*

1958-59	$552,220
1959-60	$584,800

4. WESTERN STATE COLLEGE

A. *Western State College*

1958-59	$545,630
1959-60	$576,290

5. MURRAY STATE COLLEGE

A. *Murray State College*

1958-59	$685,690
1959-60	$722,080

6. MOREHEAD STATE COLLEGE

A. *Morehead State College*

1958-59	$504,800
1959-60	$519,740

7. KENTUCKY STATE COLLEGE

A. *Kentucky State College*

1958-59	$249,950
1959-60	$260,170

8. TEACHERS' RETIREMENT SYSTEM

A. *Teachers' Retirement System*

9. LINCOLN INSTITUTE

A. *Lincoln Institute*

1958-59	$134,515
1959-60	$132,000

10. KENTUCKY SCHOOL FOR THE DEAF

A. *Kentucky School for the Deaf*

1958-59	$3,500
1959-60	$3,500

IV. AGRICULTURE AND CONSERVATION

1. DEPARTMENT OF AGRICULTURE

A. *Department of Agriculture*

1958-59	$85,315
1959-60	$85,765

B. *Dog Law—Administration and Indemnities and County Share*

2. STATE FAIR BOARD

A. *State Fair Board*

3. DEPARTMENT OF CONSERVATION

A. *Division of Forestry*

1958-59	$433,700
1959-60	$442,800

B. *Division of Parks*

1958-59	$2,316,500
1959-60	$2,325,500

C. *Division of Strip Mining and Reclamation*

1958-59	$65,800
1959-60	$67,100

D. *Division of Soil and Water Resources*

4. DEPARTMENT OF FISH AND WILDLIFE RESOURCES

A. *Department of Fish and Wildlife Resources*

5. KENTUCKY NATIONAL PARK COMMISSION

A. *Kentucky National Park Commission*

V. OTHER

1. KENTUCKY COMMISSION ON ALCOHOLISM

A. *Kentucky Commission on Alcoholism*

PART FOUR

GENERAL PROVISION

1. Nothing in this Act shall be construed to repeal any appropriation for the fiscal year ending June 30, 1958, and nothing in this Act is to be construed to amend or alter the provisions of Chapter 42 of the Kentucky Revised Statutes pertaining to the duties and powers of the Commissioner of Finance. All questions that arise in interpreting any appropriation in this Act as to the purpose for which the same may be expended shall be decided by the Commissioner of Finance in accordance with the detailed estimates embodied in the budget report as considered by the General Assembly, and the decision of the Commissioner of Finance shall be final and conclusive.

2. Whereas, the finances of the Commonwealth can not be ascertained at this time, and since the actual needs of each officer, department, board, commission, institution, or subdivision of the State Government can only be anticipated and not finally determined by the Legislature, and since the total amount of revenue accruing to the General Expenditure Fund from which these appropriations are made can only be anticipated through existing laws and those that may hereafter be enacted, it is the purpose and intention of this Act that the expenditures for each fiscal year under Part I in this Act shall not exceed the total revenues anticipated to accrue to the General Expenditure Fund for the same fiscal year. As the conditions can not be fully determined until after the adjournment of the 1958 General Assembly, and as the needs of each officer, department, board, commission, institution, or subdivision of the State Government and the total revenues accruing to the General Fund can not be fully determined at this time, it is the intention and the purpose of this General Assembly that the Commissioner of Finance, with the advice of the Commissioner of Revenue and the approval of the

Governor of the Commonwealth, is authorized, empowered and directed to ascertain and determine the needs of each officer, department, board, commission, institution or subdivision of the State Government, and to ascertain the total revenue anticipated to accrue to the General Expenditure Fund of the Commonwealth, and upon the ascertainment and determination of said facts, he, the Commissioner of Finance, in the manner set forth and as provided by general law, is authorized, empowered and directed by the General Assembly to prevent an overdraft or deficit in any fiscal year for which appropriations are herein made, by equitably reducing, according to need, without discrimination, the appropriations herein made in Part I to any officer, department, board, commission, institution, or subdivision of the State Government; provided that the power vested shall not permit any reduction of the appropriation of any officer, department, board, commission, institution, or subdivision of the State Government that will actually impair the necessary constitutional functions of any agency whose operations and functions are determined to be necessary constitutional functions of government.

3. In the event receipts to the General Expenditure Fund from current revenues for the fiscal year 1957-58 exceed One Hundred Thirty Million Dollars ($130,000,000) and for the fiscal year 1958-59 exceed One Hundred Thirty-One Million Dollars ($131,000,000), such excesses are appppropriated to the Department of Finance to be used for capital construction in accordance with the provisions of Chapter 56 of the Kentucky Revised Statutes.

4. In enacting this Budget Appropriation Law, it is the deliberate intention of the General Assembly to enact each section, and each subsection thereof, as a separate and/or specific appropriation and law, and if any section or any subsection thereof shall be held invalid, or unconstitutional, the decision of the courts shall not affect or impair any of the remaining sections, subsections, or provisions contained herein.

5. All continuing appropriations in existence at the time this Act takes effect are discontinued and repealed by this Act, except as provided by Chapters 12, 42, 45, 56, and 177 of the Kentucky Revised Statutes. All laws and parts of laws in conflict with any of the provisions of the above enactments, to the extent of such conflict, are repealed.

HB 2, AN ACT relating to income taxes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 141.020 of the Kentucky Revised Statutes is amended to read as follows:

(1) With respect to taxable years, beginning after December 31, 1957, an annual tax, consisting of a normal tax and a surtax, shall be

paid for each taxable year by every resident individual of this state, upon his entire net income as defined in this chapter. Normal tax shall be determined by applying the rates in subsection (2) to net income and subtracting allowable tax credits provided in subsection (3). Surtax shall be determined according to the rates in subsection (4). The annual tax due shall be the sum of the normal tax and the surtax.

(2) The following rates shall be applied to net income:

(a) Two percent of the amount of net income not exceeding three thousand dollars;

(b) Three percent of the amount of net income in excess of three thousand dollars but not in excess of four thousand dollars;

(c) Four percent of the amount of net income in excess of four thousand dollars but not in excess of five thousand dollars;

(d) Five percent of the amount of net income in excess of five thousand dollars but not in excess of eight thousand dollars;

(e) Six percent of the amount of net income in excess of eight thousand dollars.

(3) The following tax credits, when applicable, shall be deducted from the result obtained under subsection (2) to arrive at normal tax.

(a) Thirteen dollars for an unmarried individual.

(b) Thirteen dollars for a married individual filing a separate return and an additional thirteen dollars for the spouse of taxpayer if a separate return is made by the taxpayer and if the spouse, for the calendar year in which the taxable year of the taxpayer begins, has no gross income and is not the dependent of another taxpayer; or twenty-six dollars for married persons filing a joint return, provided neither spouse is the dependent of another taxpayer. The determination of marital status for the purpose of this section shall be made in the manner prescribed in Section 153 of the Internal Revenue Code.

(c) Thirteen dollars credit for each dependent whose gross income for the calendar year in which the taxable year of the taxpayer begins is less than six hundred dollars, or who is a child, as defined in Section 151 (e) (3) of the Internal Revenue Code, of the taxpayer and who (i) has not attained the age of 19 at the close of the calendar year in which the taxable year of the taxpayer begins, or (ii) is a student. No exemption shall be allowed for any dependent who has made a joint return with his spouse.

(d) An additional thirteen dollars credit if the taxpayer has attained the age of sixty-five before the close of the taxable year.

(e) An additional thirteen dollars credit for taxpayer's spouse if a separate return is made by the taxpayer and if the taxpayer's spouse has attained the age of sixty-five before the close of the taxable year, and, for the calendar year in which the taxable year of the taxpayer begins, has no gross income and is not the dependent of another taxpayer.

(f) An additional thirteen dollars credit if the taxpayer is blind at the close of the taxable year.

(g) An additional thirteen dollars credit for taxpayer's spouse if a separate return is made by the taxpayer and if the taxpayer's spouse is blind, and, for the calendar year in which the taxable year of the taxpayer begins, has no gross income and is not the dependent of another taxpayer.

(h) In the case of nonresidents, the tax credits allowable under this subsection shall be that proportion of those permitted therein that is represented by the ratio of the taxpayer's net income in this state to his total net income from all sources; or, if the taxpayer elects to pay the tax under KRS 141.025, as represented by the ratio of the taxpayer's adjusted gross income in this state to his total adjusted gross income.

(i) In the case of a fiduciary, other than an estate, the allowable tax credit shall be two dollars.

(j) In the case of an estate, the allowable tax credit shall be thirteen dollars.

(4) The following rates shall be applied to the normal tax to determine the surtax:

(a) Ten percent of the amount of normal tax not in excess of twenty-five dollars;

(b) Twenty percent of the amount of normal tax in excess of twenty-five dollars but not in excess of one hundred dollars;

(c) Thirty percent of the amount of normal tax in excess of one hundred dollars.

(5) An annual tax shall be paid for each taxable year as specified in this section upon the entire net income, except as herein provided, from all tangible property located in this state, from all intangible property that has acquired a business situs in this state, and from business, trade, profession, occupation or other activities carried on in this state, by natural persons not residents of this state. A nonresident individual shall be taxable only upon the amount of income received by him from labor performed, business done or from other activities in this state, from tangible property located in this state, and from intangible property that has acquired a business situs within this state. The remainder of the income received by him shall be deemed nontaxable by this state.

(6) Subject to the provisions of KRS 141.081 and KRS 141.082, any individual may elect to pay the annual tax imposed by KRS 141.025 in lieu of the tax levied under this section.

Section 2. Section 141.070 of the Kentucky Revised Statutes is amended to read as follows:

(1) Whenever an individual who is a resident of this state has become liable for income tax to another state upon all or any part of his net income for the taxable year, derived from sources without this state and subject to taxation under this chapter, the amount of income tax payable by him under this chapter shall be credited on his return with the income tax so paid by him to the other state, upon his producing to the proper assessing officer satisfactory evidence of the fact of such payment, except that application of such credits shall not operate to reduce the tax payable under this chapter to an amount less than would have been payable were the income from the other state ignored. The credit provided for by this subsection shall not be granted to a taxpayer when the laws of the other state, under which the income in question is subject to tax assessment, provide for a credit to the taxpayer substantially similar to that granted by subsection (2) of this section.

(2) Whenever an individual not a resident of this state has become liable for income tax to the state where he resides upon his net income for the taxable year, derived from sources within this state and subject to taxation under this chapter, the amount of income tax payable by him under this chapter shall be credited with the proportion of the tax so payable by him to the state where he resides that his income subject to taxation under this chapter bears to his entire income upon which the tax so payable to the other state was imposed, but only if the laws of the other state grant a substantially similar credit to residents of this state subject to income tax under such laws, or impose a tax upon the personal incomes of its residents derived from sources in this state and exempt from taxation the personal incomes of residents of this state. No credit shall be allowed against the amount of the tax on any income taxable under this chapter that is exempt from taxation under the laws of the other state.

(3) An individual who is not a resident of this state shall not be liable for any income tax under KRS 141.020 (5) if the laws of the state of which such individual was a resident at the time such income was earned in this state contained a reciprocal provision under which nonresidents were exempted from gross or net income taxes to such state, provided the state of residents of such nonresident individual allowed a similar exemption to resident individuals of this state. The exemption authorized by this subsection shall in no manner preclude the Department of Revenue from requiring any information reports pursuant to KRS 141.150 (2).

Section 3. Section 141.180 of the Kentucky Revised Statutes is amended to read as follows:

(1) Every individual having for the taxable year a gross income of seven hundred dollars or more shall make to the Department of Revenue a return stating specifically the items which he

claims as deductions and tax credits allowed by this chapter, except that if any individual who has attained the age of sixty-five before the close of his taxable year shall be required to make a return only if he has for the taxable year a gross income of fourteen hundred dollars or more. If the individual is unable to make his own return, the return shall be made by a duly authorized agent.

(2) An optional return properly filed under the provisions of KRS 141.025 shall be deemed sufficient to satisfy the provisions of this section.

(3) Each individual return shall be verified by a written declaration that is made under the penalties of perjury.

Section 4. Section 141.190 of the Kentucky Revised Statutes is amended to read as follows:

(1) Every fiduciary, except a receiver appointed by authority of law in possession of part only of the property of an individual, shall make under oath a return for any of the following individuals, estates, or trusts for which he acts, setting forth therein such information as may be prescribed by the department:

(a) Every individual having a gross income for the taxable year of seven hundred dollars or over;

(b) Every estate the gross income of which for the taxable year is seven hundred dollars or over;

(c) Every trust the gross income of which for the taxable year is one hundred dollars or over.

(2) Any fiduciary required to make a return under this chapter shall be subject to all the provisions of this chapter that apply to individuals.

Section 5. Section 141.300 of the Kentucky Revised Statutes is amended to read as follows:

(1) Every individual shall, at the time prescribed in subsection (3) of this section, make a declaration of his estimated tax for the taxable year if his gross income from sources other than wages upon which Kentucky income tax will be withheld can reasonably be expected to exceed one hundred dollars for the taxable year and his gross income to be seven hundred dollars or more.

(2) In the declaration required under subsection (1) the individual shall state:

(a) The amount which he estimates as the amount of tax under KRS 141.020 for the taxable year;

(b) The amount which he estimates as the credits for the taxable year under KRS 141.310 and KRS 141.315;

(c) The excess of the amount estimated under subparagraph (a) over the amount estimated under subparagraph (b), which excess for purposes of this chapter shall be considered the estimated tax for the taxable year;

(d) Such other information as may be prescribed in regulations promulgated by the department.

(3) The declaration required under subsection (1) of this section shall be filed with the department on or before April 15 of the taxable year, except that if the requirements of subsection (1) of this section are first met:

(a) After April 1 and before July 2 of the taxable year, the declaration shall be filed on or before July 15 of the taxable year; or

(b) After July 1 and before November 2 of the taxable year, the declaration shall be filed on or before November 15 of the taxable year; or

(c) After November 1 of the taxable year, the declaration shall be filed on or before February 15 of the succeeding taxable year.

(4) An individual may make amendments of a declaration filed during the taxable year under subsection (3) of this section, under regulations prescribed by the department.

(5) If on or before February 15 of the succeeding taxable year the taxpayer files a return for the taxable year for which the declaration is required and pays in full the amount computed on the return as payable then, under regulations prescribed by the department:

(a) If the declaration is not required to be filed during the taxable year, but is required to be filed on or before such February 15, such return shall, for the purposes of this section, be considered as such declaration; and

(b) If the tax shown on the return, reduced by the credits under KRS 141.350, is greater than the estimated tax shown in a declaration previously made or, in the last amendment thereof, such return shall, for the purposes of this section, be considered as the amendment of the declaration permitted by subsection (4) of this section to be filed on or before such February 15.

(6) The department shall promulgate regulations governing reasonable extensions of time for filing declarations and paying the estimated tax. Except in the case of taxpayers who are abroad, no such extension shall be for more than six months.

(7) If the taxpayer is unable to make his own declaration, the declaration shall be made by a duly authorized agent or by the guardian or other person charged with the care of the person or property of such taxpayer.

(8) For the purposes of KRS 131.190, a declaration of estimated tax shall be held and considered a return of income under this chapter.

Section 6. Section 141.360 of the Kentucky Revised Statutes is amended to read as follows:

Unless the tax levied under KRS 141.310 is determined as provided in KRS 141.315, such tax shall be determined in accordance with the following tables for all payments of wages made on and after July 1, 1958.

Commonwealth of Kentucky
DEPARTMENT OF REVENUE
WITHHOLDING TAX TABLES
If the payroll period with respect to an employee **is** WEEKLY

And the wages are		And the number of withholding exemptions claimed is—										
At least	But less than	0	1	2	3	4	5	6	7	8	9	10
			The amount of tax to be withheld shall be—									
$ 0	$12	2% of Wages	0	0	0	0	0	0	0	0	0	0
12	14	.23	0	0	0	0	0	0	0	0	0	0
14	16	.26	.03	0	0	0	0	0	0	0	0	0
16	18	.29	.06	0	0	0	0	0	0	0	0	0
18	20	.32	.10	0	0	0	0	0	0	0	0	0
20	22	.36	.13	0	0	0	0	0	0	0	0	0
22	24	.39	.16	0	0	0	0	0	0	0	0	0
24	26	.42	.19	0	0	0	0	0	0	0	0	0
26	28	.45	.23	0	0	0	0	0	0	0	0	0
28	30	.49	.26	.03	0	0	0	0	0	0	0	0
30	32	.52	.29	.06	0	0	0	0	0	0	0	0
32	34	.55	.32	.10	0	0	0	0	0	0	0	0
34	36	.59	.36	.13	0	0	0	0	0	0	0	0
36	38	.62	.39	.16	0	0	0	0	0	0	0	0
38	40	.66	.42	.19	0	0	0	0	0	0	0	0
40	42	.70	.45	.23	0	0	0	0	0	0	0	0
42	44	.73	.49	.26	.03	0	0	0	0	0	0	0
44	46	.77	.52	.29	.06	0	0	0	0	0	0	0
46	48	.80	.56	.32	.09	0	0	0	0	0	0	0
48	50	.83	.59	.36	.13	0	0	0	0	0	0	0
50	52	.87	.63	.39	.16	0	0	0	0	0	0	0
52	54	.90	.66	.42	.19	0	0	0	0	0	0	0
54	56	.94	.70	.45	.22	0	0	0	0	0	0	0
56	58	.97	.73	.49	.26	.03	0	0	0	0	0	0
58	60	1.01	.77	.52	.29	.06	0	0	0	0	0	0
60	62	1.04	.80	.55	.32	.09	0	0	0	0	0	0
62	64	1.08	.84	.58	.35	.13	0	0	0	0	0	0
64	66	1.11	.87	.62	.39	.16	0	0	0	0	0	0
66	68	1.15	.90	.65	.42	.20	0	0	0	0	0	0
68	70	1.18	.93	.69	.45	.25	.03	0	0	0	0	0
70	72	1.22	.97	.72	.50	.30	.08	0	0	0	0	0
72	74	1.25	1.01	.77	.55	.35	.13	0	0	0	0	0
74	76	1.29	1.04	.82	.60	.40	.18	0	0	0	0	0
76	78	1.32	1.10	.88	.66	.44	.23	.02	0	0	0	0
78	80	1.36	1.15	.93	.72	.49	.28	.07	0	0	0	0
80	82	1.42	1.20	.98	.76	.54	.33	.12	0	0	0	0
82	84	1.47	1.25	1.03	.82	.59	.37	.17	0	0	0	0
84	86	1.52	1.30	1.09	.87	.65	.42	.22	.01	0	0	0
86	88	1.57	1.36	1.14	.92	.70	.48	.27	.08	0	0	0

$ 88	$ 90	1.62	1.41	1.20	.97	.75	.52	.34	.15	0	0	0
90	92	1.67	1.46	1.25	1.03	.81	.59	.40	.22	0	0	0
92	94	1.72	1.51	1.30	1.08	.87	.66	.47	.28	.04	0	0
94	96	1.77	1.56	1.36	1.14	.94	.73	.53	.35	.12	0	0
96	98	1.82	1.62	1.41	1.21	1.01	.80	.60	.42	.21	0	0
98	100	1.87	1.67	1.47	1.28	1.08	.87	.68	.49	.30	.02	0
100	105	1.99	1.81	1.65	1.45	1.26	1.06	.87	.68	.50	.24	0
105	110	2.14	1.98	1.83	1.64	1.45	1.25	1.07	.89	.73	.51	.23
110	115	2.31	2.14	2.02	1.83	1.65	1.45	1.29	1.14	.98	.80	.51
115	120	2.49	2.32	2.21	2.03	1.87	1.70	1.54	1.38	1.22	1.05	.81
120	125	2.69	2.51	2.43	2.27	2.11	1.94	1.79	1.63	1.47	1.30	1.11
125	130	2.88	2.72	2.69	2.53	2.36	2.19	2.03	1.87	1.71	1.55	1.39
130	135	3.09	2.97	2.95	2.79	2.63	2.45	2.28	2.12	1.96	1.79	1.63
135	140	3.33	3.22	3.21	3.05	2.89	2.72	2.55	2.37	2.20	2.04	1.88
140	145	3.56	3.47	3.47	3.31	3.15	2.98	2.81	2.63	2.46	2.28	2.12
145	150	3.80	3.70	3.73	3.57	3.41	3.25	3.08	2.90	2.73	2.55	2.38
150	155	4.04	3.93	3.99	3.83	3.67	3.51	3.35	3.17	3.00	2.82	2.65
155	160	4.28	4.17	4.25	4.09	3.93	3.77	3.61	3.43	3.26	3.08	2.91
160	165	4.51	4.41	4.52	4.35	4.20	4.03	3.88	3.70	3.53	3.35	3.18
165	170	4.75	4.65	4.78	4.61	4.46	4.29	4.14	3.97	3.80	3.62	3.45
170	175	4.98	4.88	5.04	4.87	4.72	4.55	4.40	4.23	4.06	3.89	3.75
175	180	5.20	5.12	5.30	5.13	4.98	4.81	4.66	4.51	4.36	4.21	4.07
180	185	5.43	5.35	5.56	5.39	5.24	5.07	4.94	4.81	4.68	4.53	4.39
185	190	5.66	5.58	5.82	5.65	5.51	5.38	5.25	5.12	5.00	4.85	4.71
190	195	5.87	5.80	6.08	5.94	5.82	5.69	5.56	5.43	5.31	5.17	5.03
195	200	6.09	6.01	6.36	6.24	6.12	5.99	5.87	5.73	5.61	5.48	5.34
200	205	6.30	6.23	6.65	6.54	6.42	6.29	6.17	6.04	5.91	5.78	5.65
205	210	6.52	6.45	6.94	6.84	6.73	6.59	6.47	6.34	6.22	6.09	5.96
210	215	6.72	6.70	7.23	7.13	7.03	6.90	6.78	6.65	6.52	6.39	6.27
215	220	6.96	6.96	7.52	7.42	7.33	7.21	7.08	6.95	6.83	6.70	6.58
220	225	7.20	7.21	7.80	7.71	7.62	7.51	7.39	7.25	7.13	7.00	6.88
225	230	7.44	7.45	8.09	8.00	7.91	7.81	7.69	7.56	7.44	7.30	7.18
230	235	7.68	7.70	8.38	8.28	8.20	8.10	8.00	7.86	7.74	7.61	7.49
235	240	7.93	7.94	8.67	8.58	8.49	8.39	8.30	8.17	8.04	7.91	7.79
240	245	8.17	8.18	8.96	8.86	8.78	8.68	8.60	8.47	8.35	8.22	8.10
245	250	8.41	8.42	9.25	9.15	9.07	8.97	8.88	8.78	8.65	8.52	8.40
250	255	8.63	8.66	9.54	9.44	9.35	9.26	9.17	9.08	8.96	8.82	8.70
255	260	8.85	8.90	9.82	9.73	9.64	9.55	9.46	9.36	9.26	9.13	9.01
260	265	9.08	9.13	10.11	10.02	9.93	9.84	9.75	9.65	9.57	9.43	9.31
265	270	9.30	9.36	10.40	10.31	10.22	10.12	10.04	9.94	9.86	9.74	9.62
270	275	9.52	9.58	10.68	10.59	10.51	10.41	10.33	10.23	10.14	10.04	9.92
275	280	9.74	9.80	10.96	10.88	10.80	10.70	10.61	10.52	10.43	10.34	10.22
280	285	9.97	10.02	11.23	11.17	11.08	10.99	10.90	10.81	10.72	10.62	10.53
285	290	10.18	10.25	11.50	11.44	11.38	11.28	11.19	11.10	11.01	10.92	10.83
290	295	10.39	10.47	11.78	11.72	11.66	11.57	11.48	11.39	11.30	11.20	11.12
295	300	10.60	10.69	12.05	11.99	11.94	11.86	11.77	11.68	11.59	11.49	11.41
300 and over		5% of all over $300 plus										
		10.60	10.69	12.05	11.99	11.94	11.86	11.77	11.68	11.59	11.49	11.41

If the payroll period is bi-weekly the amount to be withheld shall be determined by dividing the amount of wages by two (2) and applying the weekly table and multiplying such amount by two (2).

Commonwealth of Kentucky
DEPARTMENT OF REVENUE
WITHHOLDING TAX TABLES
If the payroll period with respect to an employee is MONTHLY

And the wages are		And the number of withholding exemptions claimed is—										
	But less	0	1	2	3	4	5	6	7	8	9	10
At least	than	The amount of tax to be withheld shall be—										
$ 0	$ 56	2% of Wages	0	0	0	0	0	0	0	0	0	0
56	60	.97	0	0	0	0	0	0	0	0	0	0
60	64	1.04	.05	0	0	0	0	0	0	0	0	0
64	68	1.10	.11	0	0	0	0	0	0	0	0	0
68	72	1.17	.18	0	0	0	0	0	0	0	0	0
72	76	1.23	.24	0	0	0	0	0	0	0	0	0
76	80	1.30	.31	0	0	0	0	0	0	0	0	0
80	84	1.36	.37	0	0	0	0	0	0	0	0	0
84	88	1.43	.44	0	0	0	0	0	0	0	0	0
88	92	1.49	.50	0	0	0	0	0	0	0	0	0
92	96	1.56	.57	0	0	0	0	0	0	0	0	0
96	100	1.62	.63	0	0	0	0	0	0	0	0	0
100	104	1.69	.70	0	0	0	0	0	0	0	0	0
104	108	1.75	.76	0	0	0	0	0	0	0	0	0
108	112	1.82	.83	0	0	0	0	0	0	0	0	0
112	116	1.88	.89	0	0	0	0	0	0	0	0	0
116	120	1.95	.96	0	0	0	0	0	0	0	0	0
120	124	2.01	1.02	.03	0	0	0	0	0	0	0	0
124	128	2.08	1.09	.09	0	0	0	0	0	0	0	0
128	132	2.14	1.15	.16	0	0	0	0	0	0	0	0
132	136	2.21	1.22	.22	0	0	0	0	0	0	0	0
136	140	2.27	1.28	.29	0	0	0	0	0	0	0	0
140	144	2.34	1.35	.35	0	0	0	0	0	0	0	0
144	148	2.41	1.41	.42	0	0	0	0	0	0	0	0
148	152	2.48	1.48	.48	0	0	0	0	0	0	0	0
152	156	2.56	1.54	.55	0	0	0	0	0	0	0	0
156	160	2.63	1.61	.61	0	0	0	0	0	0	0	0
160	164	2.70	1.67	.68	0	0	0	0	0	0	0	0
164	168	2.77	1.74	.74	0	0	0	0	0	0	0	0
168	172	2.84	1.80	.81	0	0	0	0	0	0	0	0
172	176	2.91	1.87	.87	0	0	0	0	0	0	0	0
176	180	2.98	1.93	.94	0	0	0	0	0	0	0	0
180	184	3.05	2.00	1.00	0	0	0	0	0	0	0	0
184	188	3.12	2.06	1.07	.07	0	0	0	0	0	0	0
188	192	3.19	2.13	1.13	.13	0	0	0	0	0	0	0
192	196	3.26	2.19	1.20	.20	0	0	0	0	0	0	0
196	200	3.33	2.25	1.26	.26	0	0	0	0	0	0	0
200	204	3.40	2.32	1.33	.33	0	0	0	0	0	0	0
204	208	3.47	2.39	1.39	.39	0	0	0	0	0	0	0
208	212	3.54	2.46	1.46	.46	0	0	0	0	0	0	0
212	216	3.61	2.53	1.52	.52	0	0	0	0	0	0	0
216	220	3.68	2.61	1.59	.59	0	0	0	0	0	0	0

$ 220	$ 224	3.74	2.68	1.65	.65	0	0	0	0	0	0	0
224	228	3.81	2.75	1.72	.72	0	0	0	0	0	0	0
228	232	3.88	2.82	1.78	.78	0	0	0	0	0	0	0
232	236	3.95	2.89	1.85	.85	0	0	0	0	0	0	0
236	240	4.02	2.96	1.91	.91	0	0	0	0	0	0	0
240	248	4.16	3.10	2.04	1.04	.05	0	0	0	0	0	0
248	256	4.30	3.24	2.17	1.17	.18	0	0	0	0	0	0
256	264	4.44	3.38	2.30	1.30	.31	0	0	0	0	0	0
264	272	4.57	3.51	2.44	1.43	.44	0	0	0	0	0	0
272	280	4.72	3.65	2.58	1.56	.57	0	0	0	0	0	0
280	288	4.85	3.79	2.73	1.69	.70	0	0	0	0	0	0
288	296	4.99	3.93	2.87	1.82	.88	0	0	0	0	0	0
296	304	5.13	4.07	3.01	1.97	1.07	.18	0	0	0	0	0
304	312	5.27	4.21	3.15	2.16	1.27	.37	0	0	0	0	0
312	320	5.41	4.35	3.34	2.37	1.46	.57	0	0	0	0	0
320	328	5.55	4.48	3.56	2.58	1.66	.76	0	0	0	0	0
328	336	5.69	4.69	3.77	2.79	1.85	.96	.07	0	0	0	0
336	344	5.84	4.90	3.98	3.00	2.05	1.15	.26	0	0	0	0
344	352	6.05	5.10	4.19	3.22	2.24	1.35	.46	0	0	0	0
352	360	6.26	5.31	4.40	3.43	2.45	1.54	.65	0	0	0	0
360	368	6.46	5.52	4.62	3.64	2.67	1.74	.84	0	0	0	0
368	376	6.66	5.73	4.83	3.85	2.88	1.93	1.04	.13	0	0	0
376	384	6.86	5.94	5.04	4.07	3.09	2.13	1.28	.45	0	0	0
384	392	7.06	6.14	5.25	4.28	3.30	2.34	1.54	.74	0	0	0
392	400	7.26	6.35	5.47	4.49	3.52	2.62	1.80	1.00	0	0	0
400	420	7.76	6.87	6.00	5.07	4.20	3.33	2.46	1.65	.70	0	0
420	440	8.25	7.37	6.64	5.78	4.91	4.04	3.19	2.37	1.58	.38	0
440	460	8.75	8.00	7.35	6.48	5.62	4.80	3.98	3.16	2.34	1.28	.09
460	480	9.40	8.66	8.06	7.23	6.40	5.59	4.77	4.01	3.31	2.39	1.19
480	500	10.08	9.32	8.82	8.01	7.19	6.39	5.69	4.99	4.29	3.59	2.29
500	520	10.80	10.05	9.59	8.80	8.08	7.38	6.68	5.98	5.28	4.58	3.49
520	540	11.59	10.85	10.44	9.76	9.06	8.36	7.66	6.96	6.26	5.56	4.69
540	560	12.37	11.65	11.49	10.79	10.07	9.35	8.64	7.94	7.24	6.54	5.84
560	580	13.15	12.65	12.53	11.83	11.13	10.37	9.62	8.93	8.23	7.53	6.83
580	600	14.10	13.64	13.57	12.88	12.19	11.44	10.68	9.92	9.21	8.51	7.81
600	640	16.00	15.57	15.66	14.96	14.28	13.57	12.81	12.05	11.29	10.53	9.78
640	680	17.90	17.46	17.74	17.05	16.36	15.67	14.94	14.18	13.42	12.66	11.91
680	720	19.80	19.36	19.83	19.13	18.45	17.75	17.06	16.32	15.56	14.80	14.05
720	760	21.65	21.26	21.91	21.22	20.53	19.84	19.14	18.45	17.69	16.99	16.37
760	800	23.46	23.15	24.00	23.30	22.62	21.92	21.30	20.75	20.18	19.55	18.93
800	840	25.24	24.94	26.07	25.44	24.90	24.35	23.80	23.24	22.69	22.10	21.48
840	880	26.96	26.66	28.33	27.88	27.33	26.78	26.23	25.68	25.13	24.57	23.97
880	920	28.67	28.47	30.64	30.25	29.77	29.21	28.66	28.11	27.56	27.01	26.46
920	960	30.48	30.53	32.95	32.56	32.17	31.65	31.10	30.54	29.99	29.44	28.90
960	1,000	32.41	32.48	35.26	34.86	34.48	34.08	33.53	32.98	32.43	31.87	31.33
1,000	1,040	34.35	34.42	37.57	37.17	36.79	36.39	35.96	35.41	34.86	34.31	33.77
1,040	1,080	36.28	36.35	39.88	39.47	39.10	38.70	38.30	37.85	37.29	36.74	36.20
1,080	1,120	38.07	38.29	42.19	41.79	41.40	41.01	40.61	40.22	39.73	39.17	38.63
1,120	1,160	39.85	40.12	44.49	44.10	43.71	43.32	42.92	42.53	42.13	41.61	41.07
1,160	1,200	41.63	41.90	46.75	46.41	46.02	45.63	45.23	44.83	44.44	44.04	43.50
1,200	1,250	43.85	44.12	49.48	49.24	48.91	48.51	48.12	47.72	47.32	46.93	46.54
1,250 and over		5% of all over $1,250 plus										
		43.85	44.12	49.48	49.24	48.91	48.51	48.12	47.72	47.32	46.93	46.54

If the payroll period with respect to an employee is semi-monthly, the amount to be withheld shall be determined by multiplying the wages by two (2), applying the monthly table, and dividing the tax shown on the monthly table by two (2).

Commonwealth of Kentucky
DEPARTMENT OF REVENUE
WITHHOLDING TAX TABLES
If the payroll period with respect to an employee is DAILY

And the wages are		And the number of withholding exemptions claimed is—										
At least	But less than	0	1	2	3	4	5	6	7	8	9	10
		The amount of tax to be withheld shall be—										
$ 0	$1.75	2% of Wages	0	0	0	0	0	0	0	0	0	0
1.75	2.00	.03	0	0	0	0	0	0	0	0	0	0
2.00	2.25	.04	.01	0	0	0	0	0	0	0	0	0
2.25	2.50	.04	.01	0	0	0	0	0	0	0	0	0
2.50	2.75	.04	.01	0	0	0	0	0	0	0	0	0
2.75	3.00	.05	.02	0	0	0	0	0	0	0	0	0
3.00	3.25	.05	.02	0	0	0	0	0	0	0	0	0
3.25	3.50	.06	.03	0	0	0	0	0	0	0	0	0
3.50	3.75	.06	.03	0	0	0	0	0	0	0	0	0
3.75	4.00	.06	.04	0	0	0	0	0	0	0	0	0
4.00	4.25	.07	.04	.01	0	0	0	0	0	0	0	0
4.25	4.50	.07	.04	.01	0	0	0	0	0	0	0	0
4.50	4.75	.08	.05	.01	0	0	0	0	0	0	0	0
4.75	5.00	.08	.05	.02	0	0	0	0	0	0	0	0
5.00	5.25	.09	.06	.02	0	0	0	0	0	0	0	0
5.25	5.50	.09	.06	.03	0	0	0	0	0	0	0	0
5.50	5.75	.09	.06	.03	0	0	0	0	0	0	0	0
5.75	6.00	.10	.07	.03	0	0	0	0	0	0	0	0
6.00	6.25	.10	.07	.04	.01	0	0	0	0	0	0	0
6.25	6.50	.11	.07	.04	.01	0	0	0	0	0	0	0
6.50	6.75	.11	.08	.04	.01	0	0	0	0	0	0	0
6.75	7.00	.12	.08	.05	.01	0	0	0	0	0	0	0
7.00	7.25	.12	.09	.05	.02	0	0	0	0	0	0	0
7.25	7.50	.13	.09	.06	.02	0	0	0	0	0	0	0
7.50	7.75	.13	.10	.06	.03	0	0	0	0	0	0	0
7.75	8.00	.13	.10	.06	.03	0	0	0	0	0	0	0
8.00	8.25	.14	.10	.07	.03	0	0	0	0	0	0	0
8.25	8.50	.14	.11	.07	.04	.01	0	0	0	0	0	0
8.50	8.75	.15	.11	.08	.04	.01	0	0	0	0	0	0
8.75	9.00	.15	.12	.08	.05	.02	0	0	0	0	0	0
9.00	9.25	.16	.12	.08	.05	.02	0	0	0	0	0	0
9.25	9.50	.16	.13	.09	.05	.02	0	0	0	0	0	0
9.50	9.75	.16	.13	.09	.06	.03	0	0	0	0	0	0
9.75	10.00	.17	.14	.10	.06	.03	.01	0	0	0	0	0

$10.00	$10.50	.18	.15	.11	.07	.05	.01	0	0	0	0	0
10.50	11.00	.19	.15	.12	.09	.06	.02	0	0	0	0	0
11.00	11.50	.20	.17	.13	.10	.07	.03	.01	0	0	0	0
11.50	12.00	.21	.18	.14	.11	.09	.05	.02	0	0	0	0
12.00	12.50	.22	.19	.16	.13	.10	.06	.03	0	0	0	0
12.50	13.00	.23	.21	.17	.14	.11	.07	.05	.02	0	0	0
13.00	13.50	.25	.22	.18	.15	.13	.09	.06	.04	.01	0	0
13.50	14.00	.26	.23	.20	.17	.14	.11	.08	.06	.03	0	0
14.00	14.50	.27	.24	.22	.19	.16	.13	.10	.08	.05	.01	0
14.50	15.00	.28	.26	.23	.20	.18	.14	.12	.10	.07	.03	0
15.00	15.50	.30	.28	.25	.22	.20	.16	.14	.12	.08	.05	.01
15.50	16.00	.31	.29	.27	.24	.22	.18	.16	.14	.11	.08	.04
16.00	16.50	.33	.31	.28	.26	.24	.20	.18	.16	.13	.11	.07
16.50	17.00	.35	.33	.30	.28	.26	.23	.21	.19	.16	.14	.10
17.00	17.50	.37	.35	.32	.30	.28	.25	.23	.21	.18	.16	.13
17.50	18.00	.39	.37	.35	.33	.31	.28	.26	.24	.21	.19	.16
18.00	18.50	.41	.39	.37	.35	.33	.30	.28	.26	.23	.21	.19
18.50	19.00	.43	.41	.40	.38	.36	.33	.30	.28	.25	.23	.21
19.00	19.50	.45	.43	.42	.40	.38	.35	.33	.31	.28	.26	.24
19.50	20.00	.47	.46	.45	.43	.41	.38	.36	.33	.30	.28	.26
20.00	21.00	.52	.51	.50	.48	.46	.43	.41	.38	.36	.34	.31
21.00	22.00	.57	.55	.55	.53	.51	.49	.46	.43	.41	.39	.36
22.00	23.00	.61	.60	.61	.59	.57	.54	.52	.49	.46	.44	.41
23.00	24.00	.66	.65	.66	.64	.62	.59	.57	.54	.52	.50	.46
24.00	25.00	.71	.70	.71	.69	.67	.64	.62	.59	.57	.55	.52
25.00	26.00	.75	.74	.76	.74	.72	.69	.67	.65	.63	.61	.58
26.00	27.00	.80	.79	.81	.80	.78	.75	.73	.71	.69	.68	.65
27.00	28.00	.84	.83	.87	.85	.83	.81	.79	.77	.76	.74	.71
28.00	29.00	.88	.88	.92	.91	.90	.87	.86	.83	.82	.80	.77
29.00	30.00	.93	.92	.98	.97	.96	.93	.92	.89	.88	.86	.84
30.00	31.00	.97	.97	1.04	1.03	1.02	.99	.98	.95	.94	.92	.90
31.00	32.00	1.02	1.02	1.10	1.09	1.08	1.05	1.04	1.01	1.00	.98	.96
32.00	33.00	1.06	1.07	1.15	1.14	1.13	1.11	1.10	1.07	1.06	1.04	1.02
33.00	34.00	1.11	1.12	1.21	1.20	1.19	1.17	1.16	1.14	1.12	1.11	1.08
34.00	35.00	1.16	1.17	1.27	1.26	1.25	1.23	1.22	1.20	1.18	1.17	1.14
35.00	36.00	1.21	1.22	1.33	1.32	1.31	1.29	1.28	1.26	1.24	1.23	1.20
36.00	37.00	1.25	1.26	1.38	1.37	1.37	1.35	1.34	1.32	1.30	1.29	1.26
37.00	38.00	1.30	1.31	1.44	1.43	1.42	1.40	1.39	1.37	1.36	1.35	1.32
38.00	39.00	1.34	1.36	1.50	1.49	1.48	1.46	1.45	1.43	1.42	1.41	1.39
39.00	40.00	1.39	1.40	1.56	1.55	1.54	1.52	1.51	1.49	1.48	1.47	1.45
40.00	41.00	1.43	1.44	1.61	1.61	1.60	1.58	1.57	1.55	1.54	1.53	1.51
41.00	42.00	1.48	1.49	1.66	1.66	1.65	1.63	1.62	1.61	1.60	1.59	1.57
42.00	and over					5% of all over $42.00 plus						
		1.48	1.49	1.66	1.66	1.65	1.63	1.62	1.61	1.60	1.59	1.57

This table shall be used in calculating the proper amount to be withheld in the case of a miscellaneous payroll period.

Commonwealth of Kentucky
DEPARTMENT OF REVENUE
WITHHOLDING TAX TABLES
If the payroll period with the respect of an employee is QUARTERLY

And the wages are		And the number of withholding exemptions claimed is—										
	But less	0	1	2	3	4	5	6	7	8	9	10
At least	than	The amount of tax to be withheld shall be—										
$ 0	$ 156	2% of Wages	0	0	0	0	0	0	0	0	0	0
156	168	2.73	0	0	0	0	0	0	0	0	0	0
168	180	2.92	0	0	0	0	0	0	0	0	0	0
180	192	3.12	.13	0	0	0	0	0	0	0	0	0
192	204	3.31	.32	0	0	0	0	0	0	0	0	0
204	216	3.51	.52	0	0	0	0	0	0	0	0	0
216	228	3.70	.71	0	0	0	0	0	0	0	0	0
228	240	3.90	.91	0	0	0	0	0	0	0	0	0
240	252	4.09	1.11	0	0	0	0	0	0	0	0	0
252	264	4.29	1.30	0	0	0	0	0	0	0	0	0
264	276	4.48	1.50	0	0	0	0	0	0	0	0	0
276	288	4.68	1.69	0	0	0	0	0	0	0	0	0
288	300	4.87	1.89	0	0	0	0	0	0	0	0	0
300	312	5.07	2.08	0	0	0	0	0	0	0	0	0
312	324	5.26	2.28	0	0	0	0	0	0	0	0	0
324	336	5.46	2.47	0	0	0	0	0	0	0	0	0
336	348	5.63	2.67	0	0	0	0	0	0	0	0	0
348	360	5.85	2.86	0	0	0	0	0	0	0	0	0
360	372	6.04	3.05	.08	0	0	0	0	0	0	0	0
372	384	6.24	3.25	.27	0	0	0	0	0	0	0	0
384	396	6.43	3.44	.47	0	0	0	0	0	0	0	0
396	408	6.63	3.64	.66	0	0	0	0	0	0	0	0
408	420	6.82	3.84	.86	0	0	0	0	0	0	0	0
420	432	7.03	4.03	1.05	0	0	0	0	0	0	0	0
432	444	7.24	4.23	1.25	0	0	0	0	0	0	0	0
444	456	7.45	4.42	1.44	0	0	0	0	0	0	0	0
456	468	7.67	4.61	1.64	0	0	0	0	0	0	0	0
468	480	7.88	4.81	1.83	0	0	0	0	0	0	0	0
480	492	8.09	5.00	2.03	0	0	0	0	0	0	0	0
492	504	8.30	5.20	2.22	0	0	0	0	0	0	0	0
504	516	8.51	5.39	2.42	0	0	0	0	0	0	0	0
516	528	8.73	5.59	2.61	0	0	0	0	0	0	0	0
528	540	8.94	5.78	2.81	0	0	0	0	0	0	0	0
540	552	9.15	5.98	3.00	.02	0	0	0	0	0	0	0
552	564	9.36	6.17	3.20	.21	0	0	0	0	0	0	0
564	576	9.57	6.37	3.39	.41	0	0	0	0	0	0	0
576	588	9.78	6.56	3.59	.60	0	0	0	0	0	0	0
588	600	9.99	6.76	3.78	.79	0	0	0	0	0	0	0
600	612	10.19	6.96	3.98	.99	0	0	0	0	0	0	0
612	624	10.40	7.18	4.17	1.18	0	0	0	0	0	0	0
624	636	10.61	7.39	4.37	1.38	0	0	0	0	0	0	0
636	648	10.82	7.60	4.56	1.57	0	0	0	0	0	0	0
648	660	11.03	7.81	4.76	1.77	0	0	0	0	0	0	0

$ 660	$ 672	11.23	8.03	4.95	1.96	0	0	0	0	0	0	0
672	684	11.44	8.24	5.14	2.16	0	0	0	0	0	0	0
684	696	11.65	8.45	5.34	2.35	0	0	0	0	0	0	0
696	708	11.86	8.66	5.53	2.55	0	0	0	0	0	0	0
708	720	12.07	8.88	5.73	2.74	0	0	0	0	0	0	0
720	744	12.48	9.29	6.12	3.13	.16	0	0	0	0	0	0
744	768	12.90	9.71	6.50	3.52	.55	0	0	0	0	0	0
768	792	13.31	10.12	6.90	3.91	.94	0	0	0	0	0	0
792	816	13.72	10.54	7.33	4.30	1.33	0	0	0	0	0	0
816	840	14.14	10.96	7.75	4.69	1.71	0	0	0	0	0	0
840	864	14.56	11.37	8.17	5.08	2.11	0	0	0	0	0	0
864	888	14.98	11.79	8.60	5.47	2.64	0	0	0	0	0	0
888	912	15.39	12.20	9.03	5.91	3.23	.54	0	0	0	0	0
912	936	15.81	12.62	9.45	6.48	3.81	1.12	0	0	0	0	0
936	960	16.22	13.03	10.03	7.10	4.40	1.71	0	0	0	0	0
960	984	16.64	13.45	10.66	7.74	4.98	2.29	0	0	0	0	0
984	1,008	17.05	14.06	11.30	8.37	5.56	2.88	.20	0	0	0	0
1,008	1,032	17.52	14.68	11.94	9.01	6.15	3.46	.78	0	0	0	0
1,032	1,056	18.14	15.31	12.58	9.65	6.74	4.04	1.37	0	0	0	0
1,056	1,080	18.76	15.93	13.21	10.28	7.36	4.63	1.95	0	0	0	0
1,080	1,104	19.39	16.56	13.85	10.92	7.99	5.21	2.53	0	0	0	0
1,104	1,128	19.99	17.18	14.49	11.56	8.63	5.80	3.12	.39	0	0	0
1,128	1,152	20.59	17.80	15.13	12.20	9.27	6.38	3.84	1.34	0	0	0
1,152	1,176	21.18	18.43	15.76	12.83	9.91	7.01	4.62	2.22	0	0	0
1,176	1,200	21.78	19.05	16.40	13.47	10.54	7.87	5.39	3.00	0	0	0
1,200	1,260	23.27	20.61	18.00	15.20	12.59	9.99	7.39	4.95	2.09	0	0
1,260	1,320	24.76	22.12	19.93	17.32	14.72	12.12	9.57	7.11	4.73	1.15	0
1,320	1,380	26.24	23.99	22.05	19.45	16.85	14.39	11.93	9.47	7.01	3.85	.28
1,380	1,440	28.19	25.97	24.18	21.67	19.21	16.75	14.29	12.02	9.92	7.18	3.58
1,440	1,500	30.24	27.96	26.45	24.04	21.58	19.18	17.08	14.98	12.88	10.78	6.88
1,500	1,560	32.39	30.16	28.76	26.40	24.23	22.13	20.03	17.93	15.83	13.73	10.48
1,560	1,620	34.75	32.55	31.34	29.27	27.18	25.08	22.98	20.88	18.78	16.68	14.08
1,620	1,680	37.12	34.95	34.47	32.38	30.19	28.03	25.93	23.83	21.73	19.63	17.53
1,680	1,740	39.46	37.94	37.60	35.51	33.39	31.11	28.88	26.78	24.68	22.58	20.48
1,740	1,800	42.31	40.93	40.72	38.64	36.56	34.31	32.04	29.76	27.64	25.54	23.44
1,800	1,920	48.00	46.70	46.98	44.88	42.82	40.71	38.44	36.16	33.89	31.61	29.34
1,920	2,040	53.70	52.39	53.24	51.15	49.08	46.99	44.83	42.55	40.28	38.00	35.73
2,040	2,160	59.39	58.09	59.49	57.40	55.33	53.24	51.17	48.95	46.68	44.40	42.13
2,160	2,280	64.95	63.78	65.75	63.66	61.59	59.50	57.43	55.34	53.07	50.98	49.10
2,280	2,400	70.36	69.45	72.00	69.92	67.84	65.76	63.91	62.26	60.55	58.66	56.78
2,400	2,520	75.73	74.82	78.23	76.33	74.69	73.03	71.39	69.73	68.08	66.30	64.42
2,520	2,640	80.88	79.97	85.01	83.64	81.99	80.33	78.69	77.03	75.39	73.73	71.91
2,640	2,760	86.00	85.41	91.94	90.75	89.29	87.63	85.99	84.33	82.68	81.03	79.38
2,760	2,880	91.43	91.58	98.86	97.68	96.50	94.94	93.29	91.63	89.99	88.33	86.69
2,880	3,000	97.24	97.45	105.79	104.60	103.42	102.24	100.59	98.93	97.29	96.63	93.99
3,000	3,120	103.04	103.26	112.71	111.53	110.35	109.16	107.89	106.23	104.59	102.93	101.29
3,120	3,240	108.84	109.06	119.64	118.43	117.28	116.09	114.91	113.54	111.89	110.23	108.59
3,240	3,360	114.21	114.86	126.57	125.38	124.20	123.02	121.84	120.65	119.19	117.53	115.89
3,360	3,480	119.55	120.35	133.48	132.31	131.13	129.94	128.76	127.58	126.40	124.84	123.19
3,480	3,600	124.89	125.69	140.27	139.23	138.06	136.87	135.69	134.50	133.32	132.14	130.49
3,600	3,750	131.56	132.36	148.46	147.74	146.71	145.53	144.35	143.16	141.98	140.79	139.62
3,750	and over					5% of all over $3,750 plus						
		131.56	132.36	148.46	147.74	146.71	145.53	144.35	143.16	141.98	140.79	139.62

Section 7. Unless otherwise provided herein, the provisions of this Act shall be applicable to all taxpayers for all taxable years beginning on or after January 1, 1958. With respect to all taxable years beginning before January 1, 1958, the provisions of Chapter 141, KRS, as they existed immediately prior to the enactment of this Act, shall remain applicable, the same as though they had not been amended by this Act.

Introductions

The following Bills were introduced:

HB 47, by Representative Ed Thomas, AN ACT relating to compensation of jurors.

HB 48, by Representative Isler, AN ACT relating to child adoption.

HB 49, by Representative H. Nick Johnson, AN ACT relating to jurisdiction of juvenile courts.

HB 50, by Representatives M. W. Cook, Stith, AN ACT relating to compensation of jurors.

HB 51, by Representatives Kingsbury, Huddleston, Breckinridge, Tanner, Ockerman, Williams, Wathen, Burke, Searcy, Lowman, Raybourne, Ford, Ratcliffe, Moore, Wirsch, Hinkle, Mackey, Ray, Wells, Haley, Parrish, AN ACT relating to tobacco research.

HB 52, by Representatives Qualls, Greene, Rayburn, Dempsey, AN ACT relating to trucking regulation.

HB 53, by Representatives Hinkle, Mackey, AN ACT relating to the carrying of concealed deadly weapons.

HB 54, by Representatives Ockerman, Breckinridge, AN ACT relating to state highways and the Department of Highways.

HB 55, by Representatives Mackey, Wells, Williams, Huddleston, Breckinridge, Ray, AN ACT relating to the State Highway Commission.

HB 56, by Representatives Casey, Searcy, Rayburn, Anderson, Stith, Marlow Cook, Chaudoin, Lowman, Kubale, Ockerman, Bill Cornett, Ed Thomas, AN ACT relating to voting.

HB 57, by Representatives Casey, Hinkle, Haley, Ratcliffe, Kincer, AN ACT relating to absent voting.

Representative Everett moved that the House adjourn until 1:00 p.m., Wednesday, January 15, 1958. Agreed.

WEDNESDAY, JANUARY 15, 1958

EIGHTH LEGISLATIVE DAY

The House was called to order by Speaker Weintraub.

Invocation by the Reverend Robert J. Laughlin, of the First Presbyterian Church, of Frankfort.

The roll was called. All present except Billington, Gay, Howard, Huston Johnson, Render.

Senate Message

Senate message announcing passage of **SR 10.**

Motions

Representative Chaudoin moved that absent members be granted leaves of absence. Agreed.

Representative Isler moved that reading of the Journal for January 14 be dispensed with and same approved. Agreed.

Representative Hinkle moved the adoption of **SR 10,** A CONCURRENT RESOLUTION requesting and petitioning the President of the United States to review the Nickerson case.

WHEREAS, Colonel John C. Nickerson of the Army of the United States was given a court-martial sentence suspending him from the privileges of his rank for a year and requiring him to forfeit $1500 in pay, for circulating copies of a confidential memorandum which he had prepared, objecting to restrictions on Army missiles development;

WHEREAS, subsequent to this court-martial the successful launching by the Union of Soviet Socialist Republics of two earth satellites has brought public admissions from highly-placed officials that the United States has at the present time fallen behind Russia in certain phases of its defense program;

WHEREAS, regardless of the propriety of the sentence for a technical violation of Department of Defense regulations, these and other developments should be given consideration in what has come to be known as the Nickerson case; and

WHEREAS, Colonel John C. Nickerson is possessed of abilities and experience in the missiles development field, which need to be utilized in the present emergency and of which the United States is being deprived by the court-martial sentence in question and his assignment to obscure duties in Panama;

NOW, THEREFORE,

Be it Resolved by the Senate of the Commonwealth of Kentucky, the House of Representatives concurring therein:

That the President of the United States be and he hereby is requested and petitioned to review the court-martial sentence given

Colonel John C. Nickerson to set aside his suspension from rank and forfeiture of pay and to utilize his abilities and experience in the missiles development program of the Department of Defense.

On roll call, the vote was yeas, 49—Arnold, Bach, Barton, Breckinridge, Burke, Bush, Casey, Chaudoin, Cottengim, Crecelius, P. F. Davis, Everett, Farmer, Fields, Fitzpatrick, Ford, Greene, Gullette, Hahn, Haley, Hart, Henry, Hinkle, Kingsbury, Kubale, Lowman, McCallum, McGuire, Mackey, Moore, Newberry, Ockerman, Parrish, Ray, Raybourne, Reed, R. Reynolds, Richards, Searcy, Steiger, Stith, Tanner, Tinsley, Ed Thomas, S. R. Thomas, Wathen, Wells, Williams, Young. Nays 30—Bartley, Brown, Buchanan, Buckner, Clore, Coffey, Combs, M. W. Cook, Bill Cornett, Paul Cornett, W. F. Davis, Dempsey, Duff, Finney, Gay, Hale, Hall, Hislope, Huddleston, Nunn, Peace, Qualls, Rausch, Rayburn, C. R. Reynolds, Smith, Sowards, Whitehead, Willen, Wirsch.

SR 10 adopted.

Calendar

HB 1 and **HB 2** were taken from the Calendar and ordered read at length for the second time. Representative Everett moved that they be placed in Orders of the Day. Agreed.

Introductions

The following Bills and Resolutions were introduced:

HB 58, by Representatives Breckinridge, Ockerman, Marlow Cook, Ray, Kingsbury, Mackey, Hislope, AN ACT relating to the State Department of Health.

HB 59, by Representative Tanner, AN ACT relating to state employment.

HB 60, by Representative Render, AN ACT changing the classification of the City of Beaver Dam, in Ohio County.

HB 61, by Representative Stith, AN ACT relating to alcoholic beverages.

HB 62, by Representative Buchanan, AN ACT relating to legal counsel for paupers.

HB 63, by Representatives Ockerman, Breckinridge, Tanner, Burke, Marlow Cook, Ray, McGuire, Hislope, Searcy, AN ACT relating to state employment, establishing a merit system.

HR 11, by Representative Hobart Rayburn, A JOINT RESOLUTION directing payment of a claim against the Commonwealth in favor of the Wesley Chapel of the Methodist Church at Fearisville in Lewis County, Kentucky.

Senate Message

Senate message announcing adoption of **SR 16.**

Appointment of Committees

The Speaker announced the following appointments to Standing Committees of the House:

The Speaker appoints the following members to the Committee on

AGRICULTURE AND CONSERVATION

The regular meeting time and place of said Committee to be in Committee Room #2 (Room 305-A) at 9:30 A.M., Thursday of each week.

Ralph O. Stith, Chairman, Paul T. Ratcliffe, Vice Chairman, Edgar F. Arnold, Jr., Edward E. Bach, Lon Carter Barton, Charles E. Baumgardner, Sr., Otis R. Chaudoin, Orvin G. Coffey, T. Fowler Combs, Everett E. Cook, Paul Ford Davis, Walter F. Davis, Orville F. Finney, James P. Hahn, Sam Hale, William W. Haley, Homer Hodges, Richard Hopkins, Durham W. Howard, Hillard Kincer, Gilbert W. Kingsbury, Edwin Kubale, Jr., James H. Newberry, Joe E. Nunn, Jerry Parrish, Jack Raybourne, Jr., Wayland Render, Roy Searcy, Ed Thomas, Stanley R. Thomas, Rev. T. Herbert Tinsley, Murphy Whitehead, Claude R. Willen, Emery Wilson.

The Speaker appoints the following members to the Committee on

APPROPRIATIONS AND REVENUES

The regular meeting time and place of said Committee to be in Committee Room #1 (Room 307) at 10:30 A.M., on Tuesday of each week.

Edwin Kubale, Jr., Chairman, Charles W. Buchanan, Vice Chairman, Charles E. Baumgardner, Sr., Owen Billington, W. A. Buckner, A. F. Bush, Otis R. Chaudoin, John Alves Clore, T. Fowler Combs, Albert Dempsey, Addison L. Everett, Orville F. Finney, Thomas P. Fitzpatrick, John W. Greene, H. Nick Johnson, Huston (Jack) Johnson, Willie McReynolds, James H. Newberry, Jerry Parrish, Edwin A. Rausch, C. J. Richards, Jack E. Sowards, Ralph O. Stith, Charles W. Wirsch.

The Speaker appoints the following members to the Committee on

BANKING AND INSURANCE

The regular meeting time and place of said Committee to be in Committee Room #4 (Room 312) at 9:30 A.M., on Thursday of each week.

Owen Billington, Chairman, Otis R. Chaudoin, Vice Chairman, Walter F. Davis, Robert L. Gullette, James P. Hahn, Leonard Hislope, Durham W. Howard, H. Nick Johnson, Gilbert W. Kingsbury, Shelby McCallum, Willie McReynolds, Jerry Parrish, Roger E. Qualls, Edwin A. Rausch, Jack Raybourne, Jr., Vernon Reed, Wayland Render, Russell Reynolds, Albert Steiger, Jr., Stanley R. Thomas, Alvin W. Wells, Emery Wilson, Paul E. Young.

The Speaker appoints the following members to the Committee on

CLAIMS

The regular meeting time and place of said Committee to be in Committee Room #3 (Room 305-B) at 10:00 A.M., on Friday of each week.

T. Fowler Combs, Chairman, Jerry Parrish, Vice Chairman, John B. Breckinridge, Ben Burress, John Alves Clore, William J. Crecelius, Finnell L. Fields, William Weathers Haley, Brooks Hinkle, Richard Hopkins, Huston (Jack) Johnson, Joe E. Nunn, Paul T. Ratcliffe, Wayland Render, Jack E. Sowards, Stanley R. Thomas, Rev. T. Herbert Tinsley.

The Speaker appoints the following members to the Committee on

EDUCATION

The regular meeting time and place of said Committee to be in Committee Room #2 (Room 305-A) at 9:30 A.M., on Tuesday of each week.

Brooks Hinkle, Chairman, Hobart Rayburn, Vice Chairman, Rev. Felix S. Anderson, Edgar F. Arnold, Jr., Edward E. Bach, Wallace Bartley, Lon C. Barton, John B. Breckinridge, Archie Brown, Frank W. Burke, Orvin G. Coffey, Everett E. Cook, Marlow Webster Cook, Paul Ford Davis, Finnell L. Fields, Clay Gay, James P. Hahn, Sam Hale, Mrs. Ann B. Hall, Homer Hodges, Richard Hopkins, Paul R. Huddleston, Harry King Lowman, R. C. McGuire, Jr., True Mackey, Alton Moore, James H. Newberry, Warren Peace, Thomas L. Ray, Carl R. Reynolds, Roy Searcy, Dr. W. J. Smith, Rev. T. Herbert Tinsley, Murphy Whitehead, Charles W Wirsch.

The Speaker appoints the following members to the Committee on

ENROLLMENT

The regular meeting time and place of said Committee to be in Committee Room #1 (Room 307) at call of Chairman.

John J. Isler, Chairman, Willie McReynolds, Vice Chairman, D. C. Casey, Jr., John Alves Clore, Vernor O. Cottengim, Chester Duff, Finnell L. Fields, Clay Gay, Mrs. Ann B. Hall, Dr. W. J. Smith, Stanley R. Thomas.

The Speaker appoints the following members to the Committee on

JUDICIARY, EXECUTIVE AND LEGISLATIVE AFFAIRS

The regular meeting time and place of said Committee to be in Committee Room #4 (Room 312) at 10:30 A.M., on Tuesday of each week.

Robert L. Gullette, Chairman, D. C. Casey, Jr., Vice Chairman, Orvin G. Coffey, Everett E. Cook, Marlow Webster Cook, Paul W. Cornett, Walter F. Davis, William K. Henry, Hillard Kincer, James

William Lyon, Shelby McCallum, Foster Ockerman, Roger E. Qualls, Edwin A. Rausch, Thomas L. Ray, Albert Steiger, Jr., Will Tom Wathen, Alvin W. Wells, Claude R. Willen, Charles Allen Williams.

The Speaker appoints the following members to the Committee on

LABOR AND INDUSTRY

The regular meeting time and place of said Committee to be in Committee Room #3 (Room 305-B) at 9:30 A.M., on Tuesday of each week.

Vernor O. Cottengim, Chairman, A. F. Bush, Vice Chairman, W. A. Buckner, Finnell L. Fields, Orville F. Finney, Thomas P. Fitzpatrick, John W. Greene, Sam Hale, Mrs. Ann B. Hall, John J. Isler, George H. Lovelace, Harry King Lowman, James William Lyon, Clarence Richard Miller, Alton Moore, Roger E. Qualls, Hobart Rayburn, Vernon Reed, Wayland Render, Patrick Tanner, Eulick (Mike) Walsh, Charles W. Wirsch.

The Speaker appoints the following members to the Committee on

MILITARY AND CIVIL DEFENSE

The regular meeting time and place of said Committee to be in Committee Room #2 (Room 305-A) at 10:00 A.M., on Friday of each week.

William Weathers Haley, Chairman, Clay Gay, Vice Chairman, Edgar F. Arnold, Jr., Lon Carter Barton, Frank W. Burke, "Banjo" Bill Cornett, Paul W. Cornett, William J. Crecelius, Paul Ford Davis, Albert Dempsey, R. Douglas Ford, Mrs. Ann B. Hall, Charles H. Hart, Brooks Hinkle, Paul R. Huddleston, H. Nick Johnson, Gilbert W. Kingsbury, Shelby McCallum, R. C. McGuire, Jr., True Mackey, Foster Ockerman, Warren Peace, Edwin A. Rausch, Carl R. Reynolds, Roy Searcy, Murphy Whitehead, Charles Allen Williams, Paul E. Young.

The Speaker appoints the following members to the Committee on

HEALTH AND WELFARE

The regular meeting time and place of said Committee to be in Committee Room #2 (Room 305-A) at 9:30 A.M., on Wednesday of each week.

Dr. W. J. Smith, Chairman, Chester Duff, Vice Chairman, Rev. Felix S. Anderson, Wallace Bartley, Archie Brown, "Banjo" Bill Cornett, William J. Crecelius, Albert Dempsey, R. Douglas Ford, William Weathers Haley, Leonard Hislope, Gilbert W. Kingsbury, George H. Lovelace, James William Lyon, Shelby McCallum, R. C. McGuire, Jr., True Mackey, Clarence Richard Miller, Foster Ockerman, Warren Peace, Roy Searcy, Albert Steiger, Jr., Patrick Tanner, Alvin W. Wells, Claude R. Willen, Charles Allen Williams.

The Speaker appoints the following members to the Committee on

MUNICIPAL AND COUNTY GOVERNMENT

The regular meeting time and place of said Committee to be in Committee Room #1 (Room 307) at 10:30 A.M., on Wednesday of each week.

Rev. T. Herbert Tinsley, Chairman, John W. Greene, Vice Chairman, Charles W. Buchanan, W. A. Buckner, A. F. Bush, D. C. Casey, Jr., John Alves Clore, Vernor O. Cottengim, Chester Duff, Addison L. Everett, John W. Farmer, Thomas P. Fitzpatrick, James P. Hahn, Sam Hale, William K. Henry, Homer Hodges, John J. Isler, Hobart Rayburn, C. J. Richards, Ralph O. Stith, Eulick Walsh, Will Tom Wathen, Charles W. Wirsch, Paul E. Young.

The Speaker appoints the following members to the Committee on

PUBLIC UTILITIES

The regular meeting time and place of said Committee to be in Committee Room #3 (Room 305-B) at 9:30 A.M., on Wednesday of each week.

Thomas P. Fitzpatrick, Chairman, Addison L. Everett, Vice Chairman, Edgar F. Arnold, Jr., Charles W. Buchanan, Frank W. Burke, Ben Burress, Marlow Webster Cook, John W. Farmer, John W. Greene, Robert L. Gullette, William Weathers Haley, Charles H. Hart, Brooks Hinkle, Durham W. Howard, John J. Isler, George H. Lovelace, Harry King Lowman, Joe E. Nunn, Hobart Rayburn, Vernon Reed, Carl R. Reynolds, Patrick Tanner, Ed Thomas, Eulick Walsh, Will Tom Wathen.

The Speaker appoints the following members to the Committee on

SUFFRAGE, ELECTIONS AND CONSTITUTIONAL AMENDMENTS

The regular meeting time and place of said Committee to be in Committee Room #4 (Room 312) at 10:30 A.M., on Wednesday of each week.

Rev. Felix S. Anderson, Chairman, Roger E. Qualls, Vice Chairman, John B. Breckinridge, Otis R. Chaudoin, Marlow Webster Cook, "Banjo" Bill Cornett, Albert Dempsey, R. Douglas Ford, Clay Gay, Charles H. Hart, Leonard Hislope, Richard Hopkins, Paul R. Huddleston, George H. Lovelace, James William Lyon, Clarence Richard Miller, Alton Moore, Thomas L. Ray, Jack Raybourne, Jr., Carl R. Reynolds, Dr. W. J. Smith, Paul E. Young.

The Speaker appoints the following members to the Committee on

TRANSPORTATION AND HIGHWAYS

The regular meeting time and place of said Committee to be in Committee Room #3 (Room 305-B) at 10:30 A.M., on Thursday of each week.

William K. Henry, Chairman, Hillard Kincer, Vice Chairman, Edward E. Bach, Wallace Bartley, Archie Brown, Ben Burress, D. C. Casey, Jr., T. Fowler Combs, Paul W. Cornett, Chester Duff, John W. Farmer, Sam Hale, Homer Hodges, Edwin Kubale, Jr., Paul T. Ratcliffe, Hobart Rayburn, Russell Reynolds, C. J. Richards, Jack E. Sowards, Ralph O. Stith, Ed Thomas, Emery Wilson.

The Speaker appoints the following members to the Committee on

WAYS AND MEANS

The regular meeting time and place of said Committee to be in Committee Room #1 (Room 307) at 10:30 A.M., Thursday of each week.

Will Tom Wathen, Chairman, Russell Reynolds, Vice Chairman, Charles E. Baumgardner, Sr., Owen Billington, Charles W. Buchanan, A. F. Bush, Vernor O. Cottengim, Addison L. Everett, Orville F. Finney, Thomas P. Fitzpatrick, Robert L. Gullette, Charles H. Hart, William K. Henry, H. Nick Johnson, Hillard Kincer, Edwin Kubale, Jr., Willie McReynolds, James H. Newberry, Paul T. Ratcliffe, Vernon Reed, C. J. Richards, Jack E. Sowards, Ed Thomas, Eulick (Mike) Walsh.

Representative Everett moved that the House adjourn until 10:00 a.m., January 16, 1958. Agreed.

THURSDAY, JANUARY 16, 1958

NINTH LEGISLATIVE DAY

The House was called to order by the Speaker, Mr. Weintraub.

The roll was called. All members present except Buckner, Casey, Duff, Gay, Gullette, H. Nick Johnson, Huston Johnson, Ed Thomas, Willen.

Representative Chaudoin moved that absentee members be granted leaves of absence. Agreed.

Reading of the Journal for January 15 dispensed with and same approved on motion of Representative Isler.

Introductions

HR 12, by Representative Everett, A CONCURRENT RESOLUTION relating to the adjournment of the General Assembly.

HR 12, A CONCURRENT RESOLUTION relating to adjournment of the General Assembly.

Be it Resolved by the House of Representatives of the Commonwealth of Kentucky, the Senate concurring therein:

Section 1. That when the House of Representatives and the Senate adjourns on Thursday, January 16, 1958 they adjourn to Tuesday, January 21, 1958, 8 p.m. and that said adjournment be in the memory of General Robert E. Lee.

Section 2. This adjournment recognizes that Monday, January 20, 1958 is not a legislative day within the meaning of Section 42 of the Constitution. KRS 2.110 specifies that January 19, 1958, Robert E. Lee Day, is a legal holiday. KRS 2.110 further specifies that if any legal holiday occurs on Sunday the next day thereafter shall be observed as a holiday. Section 42 of the Constitution excludes Sunday and legal holidays in the count of sixty legislative days.

Representative Everett moved that said Resolution be adopted. Agreed.

Motions

Representative Haley moved that **SR 16** be concurred in. Agreed.

SR 16, A CONCURRENT RESOLUTION directing the Department of Highways to seek Federal designation for Kentucky Highway Number 15 as a Federal Highway.

WHEREAS, Kentucky Highway Number 15 connects United States Highway Numbers 60 and 227 at Winchester, Kentucky, with United States Highway Number 119 near Whitesburg, Kentucky, a total distance of approximately 160 miles.

WHEREAS, due to increased tourism, both by Kentuckians and out-of-state visitors, in and around the Cumberland National Forest, Natural Bridge State Park, and other scenic attractions, Kentucky Highway Number 15 has become one of the most frequently traveled highways in Eastern Kentucky; and

WHEREAS, it is vital to our national defense that Kentucky Highway Number 15 be made an integral part of the United States system of roads.

NOW, THEREFORE,

Be it Resolved by the Senate of the Commonwealth of Kentucky, the House of Representatives concurring therein:

Section 1. That the Department of Highways of the Commonwealth of Kentucky is directed to take the proper steps to obtain the changing of Kentucky Highway Number 15 to a United States Highway, both as to number and classification to qualify for Federal funds.

Section 2. That the Clerk of the Senate is directed to forward authenticated copies of this resolution to the Commissioner of Highways of the Commonwealth of Kentucky, to the United States Bureau of Public Roads and to the United States Route Numbering Committee of the American Association of State Highway Officials.

Order of the Day

HB 1 taken from Orders of the Day. Representative Everett moved that it be read by title only for the third time and placed on passage. Agreed.

Mr. Everett moved the Previous Question on **HB 1.**

On roll call, the vote was yeas 50—Bach, Bartley, Billington, Brown, Buchanan, Buckner, Burress, Bush, Casey, Chaudoin, Clore, Coffey, Combs, Cottengim, W. F. Davis, Dempsey, Duff, Everett, Fields, Finney, Fitzpatrick, Greene, Gullette, Hale, Haley, Hart, Henry, Hinkle, Hodges, Isler, H. N. Johnson, Kincer, Kubale, McReynolds, Newberry, Qualls, Ratcliffe, Rayburn, Reed, C. R. Reynolds, R. Reynolds, Richards, Smith, Sowards, Stith, Tinsley, Ed Thomas, S. R. Thomas, Weintraub, Wirsch. Nays 47—Anderson, Arnold, Barton, Baumgardner, Breckinridge, Burke, E. E. Cook, M. W. Cook, Bill Cornett, P. W. Cornett, Crecelius, P. F. Davis, Farmer, Douglas, Hahn, Hall, Hislope, Hopkins, Howard, Huddleston, Kingsbury, Lovelace, Lowman, Lyon, McCallum, McGuire, Mackey, Miller, Moore, Nunn, Ockerman, Parrish, Peace, Rausch, Ray, Raybourne, Render, Searcy, Steiger, Tanner, Walsh, Wells, Whitehead, Willen, Williams, Wilson, Young.

The motion was rejected.

Representative Everett moved for a recess of fifteen minutes.

On roll call, the vote was yeas 44—Bach, Bartley, Billington, Buchanan, Buckner, Burress, Bush, Chaudoin, Clore, Combs, Cottengim, W. F. Davis, Dempsey, Duff, Everett, Finney, Fitzpatrick, Gullette, Hale, Hart, Henry, Hodges, Isler, H. N. Johnson, Kincer, Kubale, McCallum, McReynolds, Newberry, Ratcliffe, Rayburn, Reed, C. R. Reynolds, R. Reynolds, Richards, Smith, Sowards, Stith, Tinsley, Ed Thomas, S. R. Thomas, Weintraub, Willen, Wirsch. Nays 44—Arnold, Barton, Baumgardner, Breckinridge, Burke, M. W. Cook, Bill Cornett, P. W. Cornett, Crecelius, P. F. Davis, Farmer, Fields, Ford, Gay, Hahn, Haley, Hall, Hinkle, Hislope, Hopkins, Howard, Huddleston, Kingsbury, Lovelace, Lowman, Lyon, McGuire, Mackey, Miller, Nunn, Ockerman, Parrish, Peace, Rausch, Ray, Raybourne, Render, Searcy, Steiger, Tanner, Walsh, Wells, Williams, Wilson.

The motion was rejected.

Representative Ray moved to amend **HB 1** as follows:

Amendment No. 1

Amend printed copy of House Bill 1 on Page 33, Part One, V, Section 51, Line 837, by adding after the word "Kentucky" the following:

> "No part of this appropriation or any appropriation made by this Act shall be expended for the purpose of relocating the State Department of Health Office outside of the City of Louisville, Kentucky."

Representative Everett moved that the House adjourn until Tuesday, January 21, at 8:00 p.m.

On roll call, the vote was yeas 46—Bach, Bartley, Billington, Buchanan, Buckner, Burress, Bush, Chaudoin, Clore, Coffey, Combs, Cottengim, W. F. Davis, Dempsey, Duff, Everett, Fields, Finney, Fitzpatrick, Gullette, Hale, Hart, Henry, Hodges, Isler, H. N. Johnson, Kincer, Kubale, McReynolds, Newberry, Qualls, Ratcliffe, Rayburn, Reed, C. R. Reynolds, R. Reynolds, Richards, Smith, Sowards, Stith, Tinsley, Ed Thomas, S. R. Thomas, Weintraub, Willen, Wirsch. Nays 51—Anderson, Arnold, Barton, Baumgardner, Breckinridge, Burke, Casey, E. E. Cook, M. W. Cook, Bill Cornett, P. W. Cornett, Crecelius, P. F. Davis, Farmer, Ford, Gay, Hahn, Haley, Hall, Hinkle, Hislope, Hopkins, Howard, Huddleston, Kingsbury, Lovelace, Lowman, Lyon, McCallum, McGuire, Mackey, Miller, Moore, Nunn, Ockerman, Parrish, Peace, Rausch, Ray, Raybourne, Render, Searcy, Steiger, Tanner, Walsh, Wathen, Wells, Whitehead, Williams, Wilson, Young.

The motion was rejected.

Representative Breckinridge moved for the adoption of Amendment No. 1 to **HB 1**.

On roll call the vote was yeas 50—Anderson, Arnold, Bach, Barton, Baumgardner, Breckinridge, Burke, Casey, E. E. Cook, M. W. Cook, Bill Cornett, P. W. Cornett, Crecelius, P. F. Davis, Farmer, Fields, Ford, Hahn, Haley, Hinkle, Hislope, Hodges, Hopkins, Howard, Huddleston, Kingsbury, Lovelace, Lowman, Lyon, McCallum, McGuire, Mackey, Miller, Nunn, Ockerman, Parrish, Rausch, Ray, Raybourne, Render, Searcy, Smith, Steiger, Tanner, Walsh, Wathen, Wells, Williams, Wilson, Young. Nays 41—Bartley, Billington, Brown, Buckner, Burress, Bush, Chaudoin, Clore, Coffey, Combs, Cottengim, W. F. Davis, Dempsey, Duff, Everett, Finney, Fitzpatrick, Gay, Gullette, Hale, Hall, Hart, Henry, Isler, Kincer, Kubale, McReynolds, Moore, Newberry, Qualls, Ratcliffe, Rayburn, C. R. Reynolds, Russell Reynolds, Richards, Sowards, Stith, Ed Thomas, S. R. Thomas, Tinsley, Willen.

Adopted.

Representative Fitzpatrick moved the Previous Question on **HB 1** as amended.

On roll call the vote was yeas 32—Bartley, Billington, Bush, Casey, Chaudoin, Clore, Combs, Cottengim, Everett, Finney, Fitzpatrick, Greene, Gullette, Hale, Henry, Hodges, Isler, Kincer, McReynolds, Ratcliffe, Rayburn, Reed, C. R. Reynolds, Richards, Smith, Sowards, Stith, Tinsley, Ed Thomas, S. R. Thomas, Willen, Wirsch. Nays 60—Anderson, Arnold, Barton, Baumgardner, Breckinridge, Brown, Buchanan, Buckner, Burke, Burress, Coffey, E. E. Cook, M. W. Cook, Bill Cornett, P. W. Cornett, Crecelius, P. F. Davis, Dempsey, Duff, Farmer, Fields, Ford, Hahn, Haley, Hall, Hart, Hinkle, Hislope, Hopkins, Howard, Huddleston, H. Nick Johnson, Kingsbury, Lovelace, Lowman, Lyon, McCallum, McGuire, Mackey, Miller, Moore, Newberry, Nunn, Ockerman, Parrish, Peace, Qualls, Rausch, Ray, Raybourne, Render, Russell Reynolds, Searcy, Steiger, Walsh, Wells, Whitehead, Williams, Wilson, Young.

The motion was rejected.

Representative Everett moved that the House adjourn until Tuesday, January 21, at 8:00 p.m., seconded by Representative Fitzpatrick.

On roll call, the vote was yeas 33—Arnold, Bach, Bartley, Billington, Bush, Chaudoin, Clore, Combs, Cottengim, W. F. Davis, Everett, Finney, Fitzpatrick, Gullette, Hale, Henry, Hodges, Isler, Kincer, McReynolds, Newberry, Ratcliffe, Rayburn, Reed, C. R. Reynolds, Richards, Smith, Stith, Tinsley, Ed Thomas, S. R. Thomas, Willen, Wirsch. Nays 56—Anderson, Baumgardner, Breckinridge, Brown, Burke, E. E. Cook, M. W. Cook, Bill Cornett, P. W. Cornett, Crecelius, P. F. Davis, Dempsey, Duff, Farmer, Fields, Ford, Gay, Hahn, Haley, Hall, Hart, Hinkle, Hislope, Hopkins, Howard, Huddleston, H. N. Johnson, Kingsbury, Lovelace, Lowman, Lyon, McCallum, McGuire, Mackey, Miller, Moore, Nunn, Ockerman, Parrish, Peace, Rausch, Ray, Raybourne, Render, R. Reynolds, Searcy, Sowards, Steiger, Tanner, Walsh, Wathen, Wells, Whitehead, Williams, Wilson, Young.

The motion was rejected.

Representative Everett moved for a recess of one hour for lunch.

On roll call, the vote was yeas 31—Bach, Bartley, Billington, Bush, Casey, Chaudoin, Clore, Combs, Cottengim, W. F. Davis, Everett, Finney, Fitzpatrick, Gullette, Hale, Haley, Hodges, Isler, Kincer, Lyon, McReynolds, Newberry, Ratcliffe, Reed, C. R. Reynolds, Richards, Smith, Stith, Ed Thomas, S. R. Thomas, Willen. Nays 59—Anderson, Arnold, Barton, Baumgardner, Breckinridge, Brown, Buchanan, Buckner, Burke, Burress, Coffey, E. E. Cook, M. W. Cook, Bill Cornett, Paul Cornett, Crecelius, P. F. Davis, Dempsey, Duff, Farmer, Fields, Ford, Gay, Hahn, Hall, Hart, Hinkle, Hislope, Hopkins, Howard, Huddleston, H. N. Johnson, Kingsbury, Lovelace, Lowman, McGuire, Mackey, Miller, Moore, Nunn, Ockerman, Parrish, Peace, Qualls, Rausch, Ray, Raybourne, Render, R. Reynolds, Searcy, Steiger, Tanner, Walsh, Wathen, Wells, Whitehead, Williams, Wilson, Young.

The motion was rejected.

Representative Ray moved to amend **HB 1** as follows:

Amendment No. 2

Amend printed copy of House Bill 1 on Page 33, Part One, V, Section 51, Line 838, by deleting the figures "$17,568,500" and substituting in place thereof the figures, as follows: "$16,068,500."

On roll call, the vote was yeas 66—Anderson, Bach, Bartley, Baumgardner, Breckinridge, Brown, Buckner, Burke, Burress, Coffey, E. E. Cook, M. W. Cook, Bill Cornett, P. W. Cornett, Crecelius, P. F. Davis, Dempsey, Duff, Farmer, Fields, Fitzpatrick, Ford, Gay, Hahn, Haley, Hall, Henry, Hinkle, Hislope, Hodges, Hopkins, Howard, Huddleston, H. N. Johnson, Kingsbury, Lovelace, Lowman, Lyon, McCallum, McGuire, Mackey, Miller, Nunn, Ockerman, Parrish, Peace, Qualls, Rausch, Ray, Raybourne, Rayburn, Render, C. R. Reynolds, Searcy, Smith, Sowards, Steiger, Tanner, Walsh, Wathen, Wells, Whitehead, Williams, Wilson, Wirsch, Young. Nays 13—Billington, Clore, Combs, Cottengim, W. F. Davis, Everett, Finney, Hale, Moore, Newberry, Richards, Stith, Tinsley.

Adopted.

Representative Ray moved to amend **HB 1** as follows:

Amendment No. 3

Amend printed copy of House Bill 1 on Page 33, Part one, V, Section 51, Line 846, by deleting the figures "$17,593,500" and substituting in place thereof the figures, as follows: "$16,093,500."

On roll call, the vote was yeas 71—Anderson, Arnold, Bartley, Barton, Baumgardner, Breckinridge, Brown, Buckner, Burke, Burress, Coffey, E. E. Cook, M. W. Cook, Bill Cornett, P. W. Cornett, Crecelius, P. F. Davis, W. F. Davis, Dempsey, Duff, Farmer, Fields, Fitzpatrick, Ford, Gay, Hahn, Haley, Hall, Hart, Henry, Hinkle, Hislope, Hodges, Howard, Huddleston, H. N. Johnson, Kincer, Kingsbury, Lovelace, Lowman, Lyon, McCallum, McGuire, Mackey, Miller, Newberry, Nunn, Ockerman, Parrish, Peace, Qualls, Rausch, Ray, Raybourne, Rayburn, Render, C. R. Reynolds, R. Reynolds, Searcy, Smith, Steiger, Tanner, S. R. Thomas, Walsh, Wells, Whitehead, Willen, Williams, Wilson, Wirsch, Young. Nays 7—Clore, Combs, Cottengim, Everett, Finney, Hale, Richards.

Adopted.

Representative Lowman moved to amend **HB 1** as follows:

Amendment No. 4

Amend printed copy of House Bill 1 on Page 20, Part One, II, Section 32, Line 506, by adding after the figures "$250,000" the following words and figures, to wit:

> "K. *Indigent Medical and Health Program.* To be expended in a program of providing medical care to indigent citizens of the Commonwealth of Kentucky, contingent upon passage, by the 1958 General Assembly, enabling legislation creating a program of medical care to indigent citizens.
>
> 1958-59 ---------------------------------$250,000
> 1959-60 ---------------------------------$250,000
>
> Notwithstanding the provisions of Section 3, of Part IV of this Act, and in addition to the amounts appropriated above for the indigent medical and health program there is hereby appropriated, contingent upon the passage of enabling legislation, out of General Expenditure Fund receipts in excess of $130,000,000 for the fiscal year 1958-59, and in excess of $131,000,000 for the fiscal year 1959-60, such amounts as may be available but not to exceed:
>
> 1958-59 ------------------------------$ 750,000
> 1959-60 ------------------------------$1,750,000"

Representative Cottengim moved to amend Amendment No. 4 to **HB 1** as follows:

Amendment No. 1 to Amendment No. 4

Change 1958-1959 from $250,000 to $1,500,000
Change 1959-1960 from $250,000 to $1,500,000

Strike remainder of the Amendment.

On roll call, the vote was yeas 36—Bartley, Billington, Buchanan, Buckner, Burress, Bush, Clore, Combs, Cottengim, W. F. Davis, Dempsey, Everett, Finney, Fitzpatrick, Gullette, Hale, Haley, Hart, Henry, Hodges, Isler, H. N. Johnson, Kincer, Kubale, McReynolds, Newberry, Rayburn, Reed, C. R. Reynolds, Richards, Smith, Sowards, Tinsley, Ed Thomas, S. R. Thomas, Wirsch. Nays 51—Anderson, Arnold, Barton, Baumgardner, Breckinridge, Brown, Burke, M. W. Cook, Bill Cornett, P. W. Cornett, Crecelius, P. F. Davis, Farmer, Fields, Ford, Gay, Hahn, Hall, Hinkle, Hislope, Hopkins, Howard, Huddleston, Kingsbury, Lovelace, Lowman, Lyon, McCallum, McGuire, Mackey, Miller, Moore, Nunn, Ockerman, Parrish, Peace, Qualls, Rausch, Ray, Raybourne, Render, Searcy, Steiger, Tanner, Walsh, Wathen, Wells, Whitehead, Willen, Wilson, Young.

Amendment was rejected.

Representative Lowman moved for the adoption of Amendment No. 4. Adopted.

Senate Message

HR 12 returned to the House with the following amendment:

That the House and Senate adjourn in observance also of the birthday of Lieutenant Governor Harry Lee Waterfield.

House concurred in Senate amendment.

Rpresentative Lowman moved to amend **HB 1** as follows:

Amendment No. 5

Amend printed copy of House Bill 1 on Page 27, Part 1, Section 37, Line 694, by deleting the figure "$440,000" and substituting in place thereof the following figures, to wit: "$500,000."

Adopted.

Representative Lowman moved to amend **HB 1** as follows:

Amendment No. 6

Amend printed copy of House Bill 1 on Page 27, Part One, Section 37, Line 698, by deleting the figures "$553,500" and substituting in place thereof the following figures, to wit: "$613,500."

Adopted.

Representative M. W. Cook moved to amend **HB 1** as follows:

Amendment No. 7

Amend printed copy of House Bill 1 on Page 5, Part One, Section 6, Line 97, by deleting the figures, "$131,300" and substituting in in place thereof the following figures, to wit: "$156,300; and

On the same page, in the same section, Line 98, by deleting the figures "$132,350" and substituting in place thereof the following figures, to wit: "$157,350."

Representative Ockerman moved to amend **HB 1** as follows:

Amendment No. 8

Amend printed copy of House Bill 1 on Page 30, Part One, Section 47, Line 775, by deleting the figures "$400,000" and substituting in place thereof the following figure, to wit: "$600,000."

Adopted.

Representative Ockerman moved to amend **HB 1** as follows:

Amendment No. 9

Amend printed copy of House Bill 1 on Page 30, Part One, Section 47, Line 776, by deleting the figures "$400,000" and substituting in place thereof the following figures, to wit: "$600,000."

Adopted.

Representative Ockerman moved to amend **HB 1** as follows:

Amendment No. 10

Amend printed copy of House Bill 1 on Page 30, Part One, Section 47, Line 778, by deleting the figures "$829,620" and substituting in place thereof the following figures, to wit: "$1,029,620".

Adopted.

Representative Ockerman moved to amend **HB 1** as follows:

Amendment No. 11

Amend printed copy of House Bill 1 on Page 30, Part One, Section 47, Line 779, by deleting the figures "$831,850" and substituting in place thereof the following figures, to wit: "$1,031,850."

Adopted.

Representative Kingsbury moved to amend **HB 1** as follows:

Amendment No. 12

Amend printed copy of House Bill 1 on Page 19, Part One, Section 32, Line 484, by deleting the figures "$90,000" and substituting in place thereof the following figures, to wit: "$99,000"; and

On Page 19, Part One, Section 32, Line 485, by deleting the figures "$90,000" and substituting in place thereof the following figures, to wit: "$99,000".

Adopted.

Representative Kingsbury moved to amend **HB 1** as follows:

Amendment No. 13

Amend printed copy of House Bill 1 on Page 20, Part One, Section 32, Line 487, by deleting the figures "$45,000" and substituting in place thereof the following figures, to wit: "$56,000"; and

On Page 20, Part One, Section 32, Line 488, by deleting the figures "$45,000" and substituting in place thereof the following figures, to wit: "$56,000".

Adopted.

Representative Kingsbury moved to amend **HB 1** as follows:

Amendment No. 14

Amend printed copy of House Bill 1 on Page 20, Part One, Section 32, Line 508, by deleting the figures "$3,161,300" and substituting in place thereof the following figures, to wit: "$3,181,300"; and

On Page 20, Part One, Section 32, Line 509, by deleting the figures "$3,353,100" and substituting in place thereof the following figures, to wit: "$3,383,100".

Adopted.

Representative Hislope moved to amend **HB 1** as follows:

Amendment No. 15

Amend printed copy of House Bill 1 on Page 31, Part One, IV, Section 49, Line 809, by deleting the figures "$1,098,260" and substituting in place thereof the following figures, to wit: "$1,198,260"; and

On the same page and in the same section, Line 810, by deleting the figures, "$1,099,460" and substituting in place thereof the following figures, to wit: "$1,199,460".

Representative Breckinridge moved to amend **HB 1** as follows:

Amendment No. 16-A

Amend printed copy of House Bill 1 on Page 26, Part One, Section 36, Line 675, by deleting the figures "$63,460,160" and substituting in place thereof the following figures, to wit: "$63,585,160"; and

On Page 26, in the same section, Line 676, by deleting the figures "$65,857,270" and substituting in place thereof the following figures, to wit: "$67,332,270".

Adopted.

Representative Breckinridge moved to amend **HB 1** as follows:

Amendment No. 16-B

Amend printed copy of House Bill 1 on Page 25, Part One, Section 36, Line 643, by deleting the figures "$1,200,000" and substituting in place thereof the following figures, to wit: "$1,325,000"; and

On Page 25, in the same section, Line 644, by deleting the figures "$1,200,000" and substituting in place thereof the following figures, to wit: "$1,325,000".

Adopted.

Representative Breckinridge moved to amend **HB 1** as follows:

Amendment No. 17

Amend printed copy of House Bill 1 on Page 53, Part Four, Section 2, Line 43, by striking Lines 43 through 46 and inserting the following:

> "for which appropriations are herein made, by proratably reducing the appropriations herein made in Part 1 to officers, departments, boards, commissions, institutions, and subdivisions of the State Government, except appropriations for education made in Part 1, Title III, in Sections 36 to 46, of this Act and totaling $81,756,360 for the fiscal year 1958-59 and $85,883,760 for the fiscal year 1959-60, which appropriations shall not be reduced;"

Adopted.

Representative Buchanan moved to amend **HB 1** as follows:

Amendment No. 18

Amend printed copy of House Bill 1, Part One, on Page 18, Section 31, Line 445 by, inserting thereafter the following:

The minimum old age assistance payments to recipients in the Commonwealth shall be one hundred dollars. The Commissioner of Economic Security shall take all necessary steps to obtain federal agreement in this matter.

On roll call, the vote was yeas 13—Brown, Buchanan, Burress, Bush, Coffey, Combs, Cottengim, W. F. Davis, Dempsey, Finney, Qualls, C. R. Reynolds, S. R. Thomas. Nays 50—Anderson, Arnold, Barton, Baumgardner, Breckinridge, Burke, Chaudoin, Clore, E. E. Cook, M. W. Cook, Crecelius, P. F. Davis, Farmer, Ford, Haley, Hall, Henry, Hinkle, Hislope, Hopkins, Howard, Huddleston, Kincer, Kingsbury, Lovelace, Lowman, Lyon, McGuire, Mackey, Miller, Newberry, Nunn, Ockerman, Parrish, Peace, Rausch, Ray, Raybourne, Render, Searcy, Sowards, Steiger, Stith, Walsh, Wells, Whitehead, Williams, Wilson, Wirsch, Young.

The motion was rejected.

Representative Arnold moved to amend **HB 1** as follows:

Amendment No. 19

Amend printed copy of House Bill 1 on Page 30, Part Four, Section 47, Line 772, by deleting the figures "$429,620" and substituting in place thereof the following figures, to wit: "$444,620"; and

On Page 30, Part Four, Section 47, Line 773, by deleting the figures "$431,850" and substituting in the place thereof the following figures, to wit: "$446,850."

Adopted.

Representative Arnold moved to amend **HB 1** as follows:

Amendment No. 20

Amend printed copy of House Bill 1 on Page 30, Part Four, Section 47, Line 773, by adding immediately after the figures: "$446,850", the following:

> "Sixty-five thousand dollars of the appropriation to the general operations of the Department shall be expended each fiscal year upon the Department's program of mosquito control."

Adopted.

Representative Arnold moved to amend **HB 1** as follows:

Amendment No. 21

Amend printed copy of House Bill 1 on Page 30, Part 4, Section 47, Line 778, by deleting the figures "$829,620" and substituting in place thereof the following figures, to wit: "$844,620"; and

On Page 30, Part Four, Section 47, Line 779, by deleting the figures "$831,850" and substituting in place the following figures, to wit: "$846,850".

Adopted.

Representative Lowman moved that **HB 1**, as amended, be placed on final passage. Agreed.

On roll call, the vote was yeas 91—Anderson, Arnold, Bach, Barton, Baumgardner, Billington, Brown, Buchanan, Buckner, Burke, Burress, Bush, Casey, Chaudoin, Clore, Coffey, E. E. Cook, M. W. Cook, Bill Cornett, P. W. Cornett, Cottengim, Crecelius, P. F. Davis, W. F. Davis, Dempsey, Duff, Everett, Farmer, Fields, Finney, Fitzpatrick, Ford, Gay, Gullette, Hahn, Hale, Haley, Hall, Hart, Henry, Hinkle, Hislope, Hodges, Hopkins, Howard, Huddleston, Isler, H. N. Johnson, Kincer, Kingsbury, Kubale, Lovelace, Lowman, Lyon, McCallum, McGuire, McReynolds, Mackey, Miller, Moore, Nunn, Ockerman, Parrish, Peace, Ratcliffe, Rausch, Ray, Raybourne, Reed, Render, C. R. Reynolds, R. Reynolds, Richards, Searcy, Smith, Sowards, Steiger, Stith, Tanner, Ed Thomas, S. R. Thomas, Walsh, Wathen, Weintraub, Wells, Whitehead, Willen, Williams, Wilson, Wirsch, Young. Nays 0.

HB 1 was passed and the title agreed to.

Representative Everett moved that **HB 2** be taken from Orders of the Day, that it be read for the third time by title only and placed on passage. Motion seconded by Representative Fitzpatrick. Agreed.

On roll call, the vote was yeas 86—Anderson, Arnold, Bach, Bartley, Barton, Baumgardner, Billington, Breckinridge, Buchanan, Buckner, Burke, Burress, Bush, Chaudoin, Clore, Coffey, Combs, E. E. Cook, Bill Cornett, P. W. Cornett, Crecelius, P. F. Davis, W. F. Davis, Duff, Everett, Farmer, Fields, Finney, Fitzpatrick, Ford, Gay, Gullette, Hahn, Hale, Haley, Hall, Hart, Henry, Hinkle, Hislope, Hodges, Hopkins, Isler, H. N. Johnson, Kincer, Kingsbury, Kubale, Lovelace, Lowman, Lyon, McCallum, McGuire, McReynolds, Mackey, Miller, Moore, Newberry, Nunn, Ockerman, Parrish, Peace, Qualls, Ratcliffe, Rausch, Ray, Raybourne, Reed, Render, C. R. Reynolds, R. Reynolds, Richards, Searcy, Smith, Sowards, Steiger, Stith, Tanner, Ed Thomas, Walsh, Wathen, Weintraub, Willen, Williams, Wilson, Wirsch, Young. Nays 2—M. W. Cook, Wells.

HB 2 was passed and the title agreed to.

Introductions

The following House Bills and Resolutions were introduced:

HR 13, by Representatives Cottengim, Greene, A JOINT RESOLUTION addressed to the Kentucky Department of Education requesting that it use all means to obtain federal aid for education.

HR 14, by Representatives Lowman, Young, A RESOLUTION congratulating Ben Franklin Reeves on the birth of a daughter, Andree Elizabeth; offering felicitations to his wife, Mavis Andree and appointing the said Andree Elizabeth Reeves an honorary page.

HB 64, by Representative Cottengim, AN ACT relating to fire departments in cities of the second class.

HB 65, by Representative Fitzpatrick, AN ACT relating to police departments in counties containing a city of the second class.

HB 66, by Representative Fitzpatrick, AN ACT relating to local health agencies.

HB 67, by Representatives Billington, Stith, Ratcliffe, AN ACT relating to cooperatives.

HB 68, by Representatives Cottengim, Buchanan, AN ACT relating to taxation on race betting.

HB 69, by Representative Cottengim, AN ACT relating to public utility rates.

HB 70, by Representative Hinkle, AN ACT relating to alcoholic beverages.

HB 71, by Representative Fitzpatrick, AN ACT relating to zoning and planning in second-class cities and in counties containing such cities.

Motions

Representative Lowman moved for adoption of **HR 14.** Adopted.

HR 14, A RESOLUTION congratulating Ben Franklin Reeves on the birth of a daughter, Andree Elizabeth; offering felicitations to his wife, Mavis Andree, and appointing the said Andree Elizabeth Reeves an honorary page.

WHEREAS, Ben Franklin Reeves has, after many arduous and harrowing months, become the father of a daughter, Andree Elizabeth;

WHEREAS, his wife, Mavis Andree, has rendered service above and beyond the call of duty, not in having given birth to Andree Elizabeth, but in having consented to become the wife of said Ben Franklin Reeves;

WHEREAS, after having so consented, the said Mavis Andree Reeves has borne with surpassing tolerance, patience and understanding the trials and vicissitudes of having lived with the said Ben Franklin Reeves, an accomplishment which reflects the highest credit on all her sex; and

WHEREAS, the fact that the said Mavis Andree Reeves has consented to live with the said Ben Franklin Reeves at all times subsequent to their marriage is an indication that he possesses some admirable qualities;

NOW, THEREFORE,

Be it Resolved by the House of Representatives of the Commonwealth of Kentucky:

Section 1. That congratulations be and are hereby extended to Ben Franklin Reeves upon the birth of a daughter, Andree Elizabeth.

Section 2. That felicitations be and are hereby extended to Mavis Andree, wife of Ben Franklin Reeves, for the same reason, and that she be and is hereby commended in the highest for her exhibition of the sterling qualities hereinbefore noted.

Section 3. That the said Andree Elizabeth Reeves, daughter of Ben Franklin Reeves, be and is hereby appointed an honorary page of the House of Representatives with all the rights and privileges appurtenant thereto.

Section 4. That Ben Franklin Reeves be and is hereby directed and ordered to wait upon and attend every want and need of the said Andree Elizabeth Reeves from this day until the inexorable passage of time makes such attention unnecessary.

Section 5. That there is appropriated to Ben Franklin Reeves, for the purposes of compliance with the directive contained in Section 4 herein, three dozen diapers and two cards of safety pins.

Announcements

Representative Whitehead announced that had he voted on **HB 2** he would have voted "Aye."

Representative Everett moved that the House adjourn until Tuesday, January 21, at 8:00 p.m. Agreed.

TUESDAY, JANUARY 21, 1958

TWELFTH LEGISLATIVE DAY

The House was called to order by the Speaker, Mr. Weintraub.

Invocation by the Reverend John C. Chenault, of the First Christian Church, of Frankfort.

The roll was called. All members present except Casey, Huston Johnson, Miller, Rayburn, Wirsch.

Representative Chaudoin moved that the absent members be granted leaves of absence. Agreed.

Reading of the Journal for January 16 dispensed with and same approved on motion of Representative Isler.

Announcements

Representative Breckinridge announced that he voted "Aye" on **HB 1** on final passage, but the roll call of January 16 did not record it.

Motions

Representative Breckinridge moved to amend **HR 3**, page 10, Rule 44 as follows:

"**Rule 44. Introduction of Bills.** Bills and resolutions may be introduced by filing them with the Clerk in the Clerk's office at any time that his office is open except as provided in Rule 4. Bills and resolutions introduced by filing them in the Clerk's office after the House has concluded Item 10, in Rule 4, Order of Business shall be considered as having been introduced the next succeeding legislative day. The Clerk shall number bills in the order received, record their introduction, and transmit a copy immediately to the Speaker for reference to committee."

Representative Everett seconded the motion for adoption. Adopted.

Reference of Bills

Ways and Means: **HB 3, HB 4, HB 22, HB 27, HB 28, HB 29, HB 32, HB 33, HB 35, HB 37, HB 40, HB 54, HB 55, HB 58, HB 59, HB 63, HB 68.**

Judiciary, Executive & Legislative Affairs: **HB 5, HB 16, HB 23, HB 25, HB 44, HB 49, HB 53.**

Transportation and Highways: **HB 6, HB 9, HB 26, HB 43, HB 52.**

Municipal & County Government: **HB 7, HB 11, HB 15, HB 17, HB 30, HB 42, HB 60, HB 61, HB 64, HB 65, HB 66, HB 70, HB 71.**

Public Utilities: **HB 8, HB 18, HB 45, HB 69.**

Appropriations & Revenues: **HB 10, HB 12, HB 20, HB 24, HB 31, HB 34, HB 39, HB 47, HB 50, HB 51, HB 62, HB 67, HR 5, HR 6, HR 8, HR 9, HR 11.**

Health & Welfare: **HB 13, HB 48.**

Suffrage, Elections & Constitutional Amendments: **HB 14, HB 38, HB 56, HB 57.**

Education: **HB 19, HB 21, HB 46, HR 13.**

Labor & Industry: **HB 36.**

Agriculture & Conservation: **HB 41.**

Claims: **HR 7.**

Introductions

The following Bills and Resolutions were introduced:

HB 72, by Representative Everett, AN ACT relating to the Governor's Mansion.

HB 73, by Representative Everett, AN ACT relating to state mileage allowances.

HB 74, by Representative Hinkle, AN ACT relating to election costs.

HB 75, by Representatives Hinkle, Qualls, AN ACT relating to taxes on amusement admissions.

HB 76, by Representative Render, AN ACT relating to traffic violations.

HB 77, by Representatives Kingsbury, Searcy, Mackey, Hinkle, Peace, Paul Davis, Fields, Ford, AN ACT relating to income tax, authorizing deductions for school expenses and rearranging the subsections of KRS 141.010.

HB 78, by Representative Stith, AN ACT relating to location of junkyards.

HB 79, by Representative Isler, AN ACT relating to state purchases giving preference to products of the Kentucky Industries for the Blind.

HB 80, by Representative Lyon, AN ACT relating to wages and salaries of corporations.

HB 81, by Representative Kubale, AN ACT relating to the commission form of city government.

HB 82, by Representative Henry, AN ACT relating to taxation.

HB 83, by Representative Everett, AN ACT relating to highway construction.

HB 84, by Representative Lowman, AN ACT relating to a program of medical aid to indigent persons, qualifying the state for federal funds to assist in the financing thereof, authorizing the Department of Economic Security to administer the program with the cooperation of the Department of Health, creating a state Indigent

Medical Care Advisory Council to advise on the administration thereof; providing funds therefor, and providing penalties.

HB 85, by Representatives Breckinridge, Hislope, Wells, Mackey, Hinkle, Kingsbury, Ockerman, AN ACT relating to the conduct of regular elections.

HB 86, by Representatives Breckinridge, Hislope, Wells, Mackey, Hinkle, Kingsbury, Ockerman, AN ACT relating to election recounts.

HB 87, by Representatives Breckinridge, Hislope, Wells, Mackey, Hinkle, Kingsbury, AN ACT relating to election challengers.

HB 88, by Representatives Ford, Tanner, H. Nick Johnson, Marlow Cook, Kingsbury, AN ACT relating to the election of delegates to national conventions of political parties.

HR 15, by Representative Everett, A JOINT RESOLUTION making an appropriation out of the General Expenditure Fund of the State Treasury for the purpose of meeting deficiencies in the 1956-57 Foundation Program allotments to school districts.

HR 16, by Representative Everett, A JOINT RESOLUTION authorizing and directing payment of the state's share of increased jailers' fees covering the period of June 17, 1954, to June 30, 1957, inclusive, and making an appropriation therefor.

HR 17, by Representative Everett, A JOINT RESOLUTION authorizing and directing the payment of certain increased jailers' fees for fiscal year 1957-58, and making an appropriation therefor.

Representative Everett moved that the House adjourn until 1:00 p.m., January 22. Agreed.

WEDNESDAY, JANUARY 22, 1958

THIRTEENTH LEGISLATIVE DAY

The House was called to order by the Speaker, Mr. Weintraub.

Invocation by the Reverend John C. Chenault, of the First Christian Church, of Frankfort.

The roll was called. All present except Buchanan, Farmer, Gay, Huston Johnson, Lowman, Miller, Parrish, Steiger, Wirsch.

Representative Chaudoin moved that absent members be granted leaves of absence. Agreed.

Reading of the Journal for January 21 dispensed with and same approved on motion of Representative Isler.

Introductions

The following Bills and Resolutions were introduced:

HB 89, by Representative Bill Cornett, AN ACT relating to a veteran's bonus, providing a sales tax therefor.

HB 90, by Representative Hahn, AN ACT relating to vocational rehabilitation services to the blind.

HB 91, by Representative Nunn, AN ACT relating to tobacco warehouses.

HB 92, by Representative McCallum, AN ACT relating to labor unions and elections within the union, guaranteeing to individual union members certain rights.

HB 93, by Representatives E. E. Cook, Hislope, Breckinridge, McCallum, Barton, Billington, Williams, AN ACT relating to education and amending KRS 157.380.

HB 94, by Representative Ockerman, AN ACT relating to the Legislative Research Commission.

HB 95, by Representative Everett, AN ACT relating to insurance and amending KRS 304.512.

HB 96, by Representative Everett, AN ACT relating to insurance and amending KRS 304.542.

HB 97, by Representative Everett, AN ACT relating to insurance and amending KRS 304.103.

HB 98, by Representative Everett, AN ACT relating to insurance and amending KRS 304.095.

HB 99, by Representative Everett, AN ACT relating to employee welfare funds.

HB 100, by Representative Everett, AN ACT relating to insurance and amending KRS 304.075.

HB 101, by Representative Everett, AN ACT relating to insurance and amending KRS 304.951.

HB 102, by Representative Everett, AN ACT relating to insurance and amending KRS 304.566.

HB 103, by Representative Everett, AN ACT relating to alien and government owned insurers.

HB 104, by Representative Everett, AN ACT relating to insurance and amending KRS 304.460.

HB 105, by Representative Everett, AN ACT relating to insurance and amending section 304.648 of the Kentucky Revised Statutes.

HB 106, by Representative Everett, AN ACT relating to insurance and permitting adoption of basic policy contract forms.

HB 107, by Representative Everett, AN ACT relating to insurance and amending KRS 304.489 and KRS 304.503.

HB 108, by Representative Everett, AN ACT relating to insurance and amending KRS 304.627.

HB 109, by Representative Steiger, AN ACT relating to Group Life Insurance.

HB 110, by Representative Everett, AN ACT, relating to insurance and amending KRS 304.033.

HB 111, by Representative Ray, AN ACT changing the classification of the City of Lynnview in Jefferson County.

HB 112, by Representative Hinkle, AN ACT changing the classification of the City of Carlisle in Nicholas County.

HB 113, by Representative Henry, AN ACT relating to livestock and poultry protection.

HB 114, by Representative Casey, AN ACT relating to motor vehicle registration plates.

HB 115, by Representative Everett, AN ACT relating to insurance and amending KRS 304.522.

HB 116, by Representative Everett, AN ACT relating to insurance and amending KRS 304.603.

HB 117, by Representative Everett, AN ACT relating to workmen's compensation insurance.

HB 118, by Representative Gullette, AN ACT relating to absent voting.

HB 119, by Representative Everett, AN ACT relating to unemployment insurance.

HB 120, by Representatives Paul F. Davis, Stith, Wells, Reed, AN ACT relating to education, providing for a college in Hardin County.

HB 121, by Representatives Peace, Sowards, Dempsey, Ann B. Hall, AN ACT relating to education.

HR 18, by Representative Mackey, A JOINT RESOLUTION authorizing reimbursement to C. S. Woodward for funds expended in payment of premium on official bond.

Representative Everett moved that the House adjourn until 12:00 Noon, January 23, 1958. Agreed.

THURSDAY, JANUARY 23, 1958

FOURTEENTH LEGISLATIVE DAY

The House was called to order by the Speaker, Mr. Weintraub.

Invocation by the Reverend John C. Chenault, of the First Christian Church, of Frankfort.

The roll was called. All members present except Clore, Gullette, Huston Johnson, Miller, Qualls, Richards, Wirsch.

Senate Message

Senate message announcing passage of **SR 19** and **SR 21.**

Motions

Representative Chaudoin moved that absent members be granted leaves of absence. Agreed.

Reading of the Journal for January 22 dispensed with and same approved on motion of Representative Isler.

Representative Cottengim moved the adoption of **HR 20.** Adopted.

HR 20, A RESOLUTION extending condolences of the House of Representatives to Representative Clarence R. Miller and wife.

WHEREAS, the House of Representatives has learned of the automobile accident resulting in injuries to Representative Clarence R. Miller, District No. 38, and his wife; and

WHEREAS, the House of Representatives wishes Representative Miller to know that he is in the thoughts of each member at this time; and

WHEREAS, Representative Miller and wife were injured while he was journeying to perform his official duties and attend the session of the General Assembly at Frankfort.

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the House of Representatives extends to Representative Clarence R. Miller and his wife its sympathy for injuries received in the January 21 automobile accident. That the House of Representatives sincerely and prayerfully hopes for a speedy recovery of both Representative Miller and his wife, Mrs. Marguerite Miller.

Section 2. That copies of this resolution be sent by the Clerk of the House of Representatives to Representative Miller and his wife.

Representative Tanner moved that when the House adjourns, that it do so until 8:00 p.m., Monday, January 27. Agreed.

Representative Stith moved for adoption of **SR 19.** Adopted.

SR 19, A CONCURRENT RESOLUTION memoralizing Congress to return to the Commonwealth of Kentucky certain moneys.

WHEREAS, the Congress of the United States has imposed a tax upon distilled spirits under the Internal Revenue Code, U.S.C.A. title 26, Chapter 51, U.S.C., Section 5001, as follows:

"There is hereby imposed on all distilled spirits in bond or produced in or imported into the United States an Internal Revenue tax at the rate of $10.50 on each proof gallon or wine gallon when below proof and a proportionate tax at a like rate on all fractional parts of such proof or wine gallon. On and after July 1, 1958, the rate of tax imposed by this paragraph shall be $9 in lieu of $10.50";

WHEREAS, the Congress assembled may or can re-impose this tax of $10.50 at its present session, to be effective after July 1, 1958;

WHEREAS, the additional $1.50 tax involved is greater in amount than the Kentucky income tax, the corporation income tax, and many other state taxes; and

WHEREAS, the Commonwealth of Kentucky produces the greatest amount of taxable bonded whiskey of any state;

NOW, THEREFORE,

Be it resolved by the Senate of the Commonwealth of Kentucky, the House of Representatives concurring therein:

That the Congress of the United States be memorialized and requested that if or when the additional tax of $1.50 herein referred be imposed, the total increase thereof be refunded to the Commonwealth of Kentucky for the use and benefit of the General Fund and that a copy hereof be sent to each member of Congress from Kentucky.

Representative Everett moved the adoption of **SR 21,** seconded by Representative Isler. Adopted.

SR 21, A CONCURRENT RESOLUTION requesting and memorializing the Congress of the United States to amend the public assistance laws.

WHEREAS, there appears to be some degree of ambiguity in the present federal public assistance laws as to the combination and use of the words "permanent" and "total" in relation to disability; and

WHEREAS, the dictionary definition as well as the accepted usage shows the two words to differ in general usage and classification;

NOW, THEREFORE,

Be it resolved by the Senate of the Commonwealth of Kentucky, the House of Representatives concurring therein:

That the Congress of the United States be and hereby is memorialized and requested to change the phrase "permanent and total" so that it will read "permanent or total" where it appears in the public assistance laws.

Introductions

The following Bills and Resolutions were introduced:

HB 122, by Representative Ann B. Hall, AN ACT relating to public assistance providing for maximum and minimum monthly payments to the needy old-aged.

HB 123, by Representative Kingsbury, AN ACT relating to insurance for volunteer policemen.

HB 124, by Representative Breckinridge, AN ACT relating to the expenses of election, and amending Section 118.450 of the Kentucky Revised Statutes.

HB 125, by Representative Lyon, AN ACT relating to abandonment of dependents.

HB 126, by Representative Bush, AN ACT providing a penalty for violation of KRS 336.130.

HB 127, by Representative Cottengim, AN ACT relating to stockyards.

HB 128, by Representative Qualls, AN ACT relating to membership of the Public Service Commission.

HB 129, by Representative Wathen, AN ACT proposing an amendment to Section 99 of the Constitution of Kentucky relative to sheriffs.

HB 130, by Representatives Lyon, Rayburn, Lowman, AN ACT relating to sewer line improvements in cities.

HB 131, by Representatives Hale, Sowards, Bach, Kincer, McReynolds, AN ACT relating to the Kentucky State Police.

HB 132, by Representatives H. Nick Johnson, Buckner, Gay, Sowards, Fitzpatrick, Duff, Ford, Burress, Brown, Dempsey, AN ACT relating to criminal statistics.

HB 133, by Representative Lyon, AN ACT relating to trial commissioners appointed by county court.

HB 134, by Representatives Breckinridge, Ford, Tanner, Huddleston, M. W. Cook, Hislope, Barton, Render, P. F. Davis, Lyon, AN ACT proposing an amendment to the Constitution of Kentucky relating to a Merit System and the Terms and Conditions of Public Employment, and amending Section 93.

Motions

Representative Hall moved for adoption of **HR 19,** seconded by Representative Lowman. Adopted.

HR 19, A RESOLUTION directing the restoration of placque bearing the name of Mary Elliott Flanery, to seat number 40, in the House of Representatives.

WHEREAS, Mrs. Mary Elliott Flanery was the first woman to be elected to membership in the General Assembly of the Commonwealth of Kentucky; and

WHEREAS, this distinguished member occupied seat number 40 in the Chamber of the House of Representatives; and

WHEREAS, the placque bearing her name and attached to seat number 40 as a memorial of this event has been removed;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

That the Clerk of the House be directed to take the necessary steps to obtain the restoration of the placque bearing the name of Mary Elliott Flanery to seat number 40, occupied by this distinguished member during her term as a member of the House of Representatives.

Introductions

HB 135, by Representatives Breckinridge, Ockerman, Tanner, McGuire, Fitzpatrick, Kingsbury, Isler, Huddleston, Moore, Williams, AN ACT to provide a merit system of employment for county employees in counties containing a city of the second class.

HB 136, by Representative Wathen, AN ACT relating to the tax on the production of crude petroleum.

HB 137, by Representatives Ann B. Hall, Gay, AN ACT relating to teachers' salaries.

HR 21, by Representatives Ray, Rausch, Burke, Farmer, Steiger, Crecelius, Baumgardner, Walsh, Anderson, A RESOLUTION extending the sympathy of the members of the House of Representatives to the Honorable Clarence Miller.

Representative Everett moved that the House adjourn until 8:00 p.m., Monday, January 27. Agreed.

MONDAY, JANUARY 27, 1958

SEVENTEENTH LEGISLATIVE DAY

The House was called to order by the Speaker, Mr. Weintraub.

Invocation by the Reverend Edward L. Tullis, of the First Methodist Church, of Frankfort.

The roll was called. All present except Casey, Paul Cornett, Howard, Huston Johnson, Kubale, Lovelace, Miller, R. Reynolds, Richards, Rev. Tinsley, Wilson, Wirsch.

Representative Chaudoin moved that absent members be granted leaves of absence. Agreed.

Reading of the Journal for January 23 dispensed with and same approved on motion of Representative Isler.

Reference of Bills

The Speaker announced referral of the following bills and resolutions:

Appropriations and Revenues: **HB 72, HB 73, HB 74, HB 75, HB 77, HB 82, HB 89, HB 93.**

Banking and Insurance: **HB 91, HB 95, HB 96, HB 97, HB 98, HB 99, HB 100, HB 101, HB 102, HB 103, HB 104, HB 105, HB 106, HB 107, HB 108, HB 109, HB 110, HB 115, HB 116.**

Education: **HB 90.**

Judiciary, Executive and Legislative Affairs: **HB 76, HB 94.**

Labor and Industry: **HB 79, HB 80, HB 92.**

Municipal and County Government: **HB 81, HB 111, HB 112.**

Suffrage, Elections and Constitutional Amendments: **HB 85, HB 86, HB 87.**

Transportation and Highways: **HB 78, HB 114.**

Ways and Means: **HB 83, HB 84, HB 88, HB 113.**

Recess

Representative Williams moved that the House recess for one hour, seconded by Representative Searcy.

On roll call, the vote was yeas 78—Arnold, Bach, Barton, Baumgardner, Billington, Breckinridge, Brown, Buchanan, Buckner, Burke, Chaudoin, Clore, Coffey, Combs, E. E. Cook, M. W. Cook, Bill Cornett, Cottengim, Crecelius, P. F. Davis, W. F. Davis, Dempsey, Duff, Everett, Farmer, Fields, Finney, Fitzpatrick, Ford, Gay, Greene, Gullette, Hahn, Hale, Haley, Hall, Hart, Henry, Hinkle, Hislope, Hodges, Hopkins, Huddleston, Isler, Kingsbury, Lowman, Lyon, McCallum, McGuire, McReynolds, Mackey, Moore, Newberry, Nunn, Ockerman, Parrish, Peace, Qualls, Ratcliffe, Rausch, Ray, Raybourne, Reed, Render, C. R. Reynolds, Searcy, Smith, Stith, Tanner, S. R. Thomas, Walsh, Wathen, Weintraub, Wells, Whitehead, Willen, Williams, Young. Nays–0.

Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Introductions

HR 22, by Representative Everett, A JOINT RESOLUTION making an appropriation to the Legislative Research Commission for special expenses incurred in connection with sessions of the General Assembly and declaring an emergency.

The Speaker referred **HR 22** to the Committee on Appropriations and Revenues.

Recess

Representative Buchanan moved for a recess of five minutes for a meeting of the Committee on Appropriations and Revenues, seconded by Representative Searcy. Agreed. At the appointed hour the Speaker resumed the Chair and called the House to order.

Introductions

Representative Lowman moved the adoption of **HR 23.** Adopted.

HR 23, A CONCURRENT RESOLUTION recognizing the Greek Orthodox Church as one of the major religions in Kentucky.

WHEREAS, membership of the Greek Orthodox Church, within the Commonwealth, has increased to substantial proportions in recent years; and

WHEREAS, the presence and activities of the Greek Orthodox Church have added immeasurably to the religious and moral fibre of the Commonwealth;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the Commonwealth of Kentucky, the Senate concurring therein:

Section 1. That the Greek Orthodox Church be and is hereby recognized as a major faith in the Commonwealth of Kentucky, contributing to her moral values and spiritual growth.

Section 2. That the Greek Orthodox Church be so recognized in all matters in which official recognition is accorded other major faiths.

HR 24, by Representative Sowards, A JOINT RESOLUTION requesting and petitioning the Department of Fish and Wildlife Resources to change the squirrel season.

Representative Mackey moved the adoption of **HR 25.** Adopted.

HR 25, A RESOLUTION memorializing the Congress of the United States to maintain price supports of tobacco at ninety per cent parity.

WHEREAS, the General Assembly of the Commonwealth of Kentucky recognizing that Kentucky is an agricultural state; and

WHEREAS, tobacco is the basic agricultural commodity grown in the Commonwealth of Kentucky; and

WHEREAS, the General Assembly is aware that the economic position of the farmers of Kentucky and of the other states within the United States has reached a dangerously low level; and

WHEREAS, the economic position of the farmers of the United States has reached this low level due to the fact that the level of prices received for agricultural products has steadily declined while the cost of production and the cost of living of the farmers are rising; and

WHEREAS, the purchasing power of the farmers has been impaired and the value of agricultural assets have been greatly decreased; and

WHEREAS, the purchasing power of the farmers and the value of agricultural assets support the national credit structure and therefore is of national public interest; and

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Congress of the United States is urged to act so as to maintain price supports of tobacco at ninety per cent of parity.

Section 2. That the Senators and Representatives from Kentucky, now serving in the 85th Congress, are requested to oppose any legislation that would set the price support of tobacco at less than ninety per cent of parity.

Section 3. That the Clerk of the House of Representatives is directed to forward copies of this resolution to the President of the United States Senate and the Speaker of the United States House of Representatives, to each of the Senators and Representatives from Kentucky now serving in the Congress, and to the Secretary of Agriculture of the United States.

Report of Committees

The Committee on Appropriations and Revenues reported **HR 22, HR 9,** and **HR 11** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the **Calendar.**

HR 22, A JOINT RESOLUTION making an appropriation to the Legislative Research Commission for special expenses incurred in connection with sessions of the General Assembly and declaring an emergency.

WHEREAS, additional personnel are necessary to expedite properly the business of the Senate and the House of Representatives; and

WHEREAS, the present appropriation of the Legislative Research Commission is insufficient to provide adequate clerical services to the General Assembly;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That there is appropriated out of the General Expenditure Fund to the Legislative Research Commission the sum of one thousand and five hundred dollars per calendar day during all regular and special sessions of the General Assembly. This appropriation shall be available for expenditure during the 1957-58 fiscal year.

WHEREAS, the General Assembly is now in session and it is necessary that these funds be available immediately, an emergency is declared to exist and this resolution shall become effective upon its passage and approval by the Governor, and shall be retroactive to include payment of compensation to such personnel from and including January 7, 1958.

HR 9, A JOINT RESOLUTION authorizing and directing a continuing study and evaluation of the common school system of the Commonwealth.

WHEREAS, the Minimum Foundation Law enacted in 1954, as implemented and more fully financed by the 1956 General Assembly, is designed to improve the common school system of the Commonwealth, not only with respect to compensation of teachers, physical structures, equipment, quantity and quality of pupil transportation vehicles, but more importantly in providing future citizens and leaders with progressively better educational opportunities;

WHEREAS, many compelling reasons involving among others matters of economics, social welfare and, probably the most compelling of any, national security make it mandatory that the rate of improvement not only continue uninterruptedly, but that it be accelerated;

WHEREAS, it appears that a continuing study evaluating the accomplishments of the system and identifying those policies and practices which are contributing and those which are not contributing to the desired end will be of invaluable and in determining future action of the General Assembly in its efforts to provide ways and means of increasing educational opportunities and efficiency;

WHEREAS, the expenditure of $60,105,700 for 1958-1959 and $62,481,300 for 1959-1960 is contemplated, which sums represent an increase of eighty-four percent over the 1954-1956 biennuim, it is imperative in the interests of economy and efficiency that such a continuing evaluation be made; and

WHEREAS, the magnitude and scope of such appraisal makes it necessary for the Legislative Research Commission to employ additional personnel in order that it may be accomplished promptly and in an impartial, thorough, and painstaking manner;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Legislative Research Commission be, and is, hereby authorized and directed to make a continuing and comprehensive study of the common school system, evaluating the accomplishments of the minimum foundation program and continuously reappraising the system in terms of funds expended, opportunities offered, and results obtained.

Section 2. That the Departments of Finance and Education and the local school districts be, and are, hereby directed to extend to the Legislative Research Commission their full and complete cooperation by supplying any required records, statistics, materials, and reports and in any other particular in which the study may be implemented.

Section 3. That the Legislative Research Commission be, and is, hereby authorized to employ such additional personnel, qualified and experienced in the field of educational research, as it may deem necessary to perform the directed evaluation.

Section 4. That periodic reports on the results of the study be submitted to the members of the General Assembly at such times as results warrant, but in any event a report shall be prepared for each regular session of the General Assembly.

Section 5. That the sum of $30,000 is appropriated to the Legislative Research Commission out of the General Fund for the purposes of this resolution, which sum shall not lapse at the end of the 1958-1959 fiscal year, but shall be carried over into the 1959-1960 fiscal year.

HR 11, A JOINT RESOLUTION directing payment of a claim against the Commonwealth in favor of the Wesley Chapel of the Methodist Church at Fearisville in Lewis County, Kentucky.

WHEREAS, as the result of the construction of a bridge by the Department of Highways across Frye Branch near the Wesley Chapel of the Methodist Church at Fearisville in Lewis County, Kentucky, the natural flow of water has been impeded and diverted as to cause the waters of the branch to flood the church building, doing substantial damage and requiring repairs in the amount of $1200; and

WHEREAS, the Department of Highways has recognized the merit of the claim of the church for damages based upon negligence and improper construction of the bridge and fills, and it appears that the claim of the church is just and proper and should be paid;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the Commissioner of Highways is authorized and directed to prepare and submit to the Commissioner of Finance an appropriate authorization for payment of the sum of $1200 to the Wesley Chapel of the Methodist Church at Fearisville in Lewis County, and the Commissioner of Finance upon receipt of such authorization is directed to issue a warrant for payment of same, out of the State Road Fund.

The Judiciary, Executive and Legislative Affairs Committee reported **HB 5,** and **HB 49** with the expression of opinion that same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 5, AN ACT relating to juvenile offenders.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

A new section of Chapter 208 of the Kentucky Revised Statutes is created to read as follows:

If a child destroys or damages property while on probation, the court may require his parent or guardian to make reparation to the person whose property is injured. The sum to be paid shall be determined by the court, but shall not be more than five hundred dollars.

HB 49, AN ACT relating to jurisdiction of juvenile courts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 208.020 of the Kentucky Revised Statutes is amended to read as follows:

(1) The juvenile session of county court of each county shall have exclusive jurisdiction in proceedings concerning any child living, or found, in the county who has committed a public offense, except an offense involving a motor vehicle. The court shall not have jurisdiction in any prosecution of an offense involving a motor vehicle.

(2) Nothing in this chapter shall deprive other courts of the right to determine the custody of children upon writs of habeas corpus, or to determine the custody or guardianship of children when such custody or guardianship is incidental to the determination of other causes pending in such other courts; nor shall anything in this chapter affect the jurisdiction of circuit courts over adoptions and over proceedings for termination of parental rights.

The Committee on Labor and Industry reported **HB 119** with the expression of opinion that same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 119, AN ACT relating to unemployment insurance.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 341.020 of the Kentucky Revised Statutes is amended to read as follows:

Fund, state, contributions and benefits. As used in this chapter, unless the context clearly requires otherwise:

(1) "Fund" means the Unemployment Insurance Fund established by KRS 341.490, to which all contributions, and from which all benefits shall be paid;

(2) "State" includes, in addition to the States of the United States of America, Alaska, Hawaii, the District of Columbia, Puerto Rico and the Dominion of Canada;

(3) "Contributions" means the money payments, exclusive of interest and penalties, to the Unemployment Insurance Fund required by this chapter and by any previous unemployment compensation law of this state; and

(4) "Benefits" means the money payments payable to a worker under this chapter and under any previous unemployment compensation law of this state with respect to his unemployment.

Section 2. Section 341.040 of the Kentucky Revised Statutes is amended to read as follows:

Reserve account, pooled account and annual payroll. As used in this chapter, unless the context clearly requires otherwise:

(1) "Reserve account" means a separate book account maintained by the Division for each subject employer under KRS 341.530 and 341.540. No amount shall be credited to any reserve account on any date which has not been actually received by the Division by that date, and no benefit amount shall be charged against any reserve account by any date for which a check has not been written and sent by that date.

(2) "Pooled account" means a separate book account maintained by the Division under KRS 341.550.

(3) "Annual payroll" means the total amount of wages paid by a subject employer during a twelve-consecutive-month period for covered employment.

Section 3. Section 341.050 of the Kentucky Revised Statutes is amended to read as follows:

Covered employment. (1) As used in this chapter, unless the context clearly requires otherwise and subject to the other provisions of this section, "covered employment" means service, including service in interstate commerce, performed for wages or under any contract of hire, written or oral, express or implied in which the relationship of the individual performing such service and the employing unit for which such services are rendered is, as to those services, the legal relationship of employer and employe.

(2) "Covered employment" includes a worker's entire service performed within or both within and without this state if:

(a) The service is localized in this state; or

(b) The service is not localized in any state, but some of the service is performed in this state, and:

1. The base of operations, or, if there is no base of operations, then the place from which such service is directed or controlled, is in this state; or

2. The base of operations or place from which such service is directed or controlled is not in any state in which some part of the services is performed, but the worker's residence is in this state.

(3) Services not covered under subsections (1) or (2) of this section, and performed entirely without this state, with respect to no part of which contributions are required and paid under an unemployment compensation law of any other state or of the Federal Government, are covered employment if the worker performing them is a resident of this state and if the Commissioner approves the election of the employing unit for which they are performed that the entire service of such worker shall be deemed to be covered employment.

(4) Service shall be deemed to be localized within a state if:

(a) The service is performed entirely within such state; or

(b) The service is performed both within and without such state, but the service performed without such state is incidental to the worker's service within the state, for example, is temporary or transitory in nature or consists of isolated transactions.

(5) Unless the employing unit thereof has elected that such services become covered employment under the provisions of subsection (3) of KRS 341.250, "covered employment" does not include:

(a) Agricultural labor;

(b) Domestic service in a private home;

(c) Service performed in the employ of this state, or any political subdivision thereof or of any of its municipalities;

(d) Service performed in the employ of any other state or of any political subdivision thereof, or of the United States Government, and services performed in the employ of a corporation or agency created under an Act of Congress and engaged in the performance of a governmental function and the employes of which are compensated out of funds appropriated by Congress;

(e) Service with respect to which unemployment compensation is payable under an unemployment compensation system established by an Act of Congress. The Commissioner may enter into agreements with the proper agencies under such Act of Congress to provide reciprocal treatment to workers who have, after acquiring potential rights to benefits under this chapter, acquired rights to unemployment compensation under such Act of Congress, or who have, after acquiring potential rights to unemployment compensation under such Act of Congress, acquired rights to benefits under this chapter;

(f) Service performed by a worker in the employ of his son, daughter, or spouse and service performed by a child under the age of twenty-one in the employ of his father or mother;

(g) Service performed in the employ of a corporation, community chest, fund or foundation, organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation;

(h) Service performed as a student nurse in the employ of a hospital or a nurses' training school by a worker who is enrolled and is regularly attending classes in a nurses' training school chartered or approved pursuant to the laws of this state; and service performed as an interne in the employ of a hospital by a worker who has completed a four years' course in a medical school chartered or approved pursuant to the laws of this state;

(i) Service performed by a worker for an employing unit as an insurance agent or as an insurance solicitor, if all such service performed by such worker for such employing unit is performed for remuneration solely by way of commission;

(j) Service performed by a worker under the age of eighteen in the delivery or distribution of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution;

(k) Service performed by a full-time student who is regularly attending classes at a school, college or university; or

(l) Service not in the course of the employing unit's trade or business performed in any calendar quarter by a worker, unless the cash remuneration paid for such service is fifty dollars or more and such service is performed by an individual who is regularly employed by such employing unit to perform such service. For the purpose of this paragraph, an individual shall be deemed to be regularly employed by an employing unit during a calendar quarter only if—

1. On each of some twenty-four days during such quarter such individual performs for such employing unit for some portion of the day service not in the course of the employing unit's trade or business, or

2. Such individual was regularly employed (as determined under 1 above) by such employing unit in the performance of such service during the preceding calendar quarter.

(6) For the purpose of this chapter, if the services performed during one-half or more of any pay period by a worker for the employing unit employing him constitutes covered employment, all the services of such worker for such period shall be deemed to be covered employment; but if the services performed during more than one-half of any such pay period by a worker for the employing unit employing him do not constitute covered employment, then none of the services of such worker for such period shall be deemed to be covered employment. As used in this subsection, the term "pay period" means a period (of not more than thirty-one consecutive days) for which a payment of remuneration is ordinarily made to a worker by the employing unit employing him. This subsection shall not be applicable with respect to services performed in a pay period by a worker for the employing unit employing him, where any of such service is excepted by subsection (5) (e) of this section.

Section 4. Section 341.065 of the Kentucky Revised Statutes is amended to read as follows:

Exemption of nonprofit cemetery associations from covered employment. Unless the employing unit thereof, as defined in KRS 341.060, has elected that such services become covered employment under the provisions of subsection (3) of KRS 341.250, "covered employment," as used in KRS Chapter 341, does not include services performed in the employ of any perpetual care, nonprofit cemetery association, corporation or trusteeship, which perpetual care, nonprofit cemetery association, corporation or its trustees, has not more than four employes, and no part of the net earnings of which inures to the benefit of any private shareholder or individual and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation.

Section 5. Section 341.070 of the Kentucky Revised Statutes is amended to read as follows:

Subject employer. As used in this chapter, unless the context clearly requires otherwise, "subject employer" means:

(1) Any employing unit which, in each of three calendar quarters in the preceding calendar year, had in covered employment four or more workers (whether or not the same workers), to as many

as four of whom at least fifty dollars in wages was payable to each with respect to such covered employment in each such quarter.

(2) Any employing unit which for some portion of a day (but not necessarily simultaneously) in each of twenty different weeks (whether or not such weeks are consecutive) within either the current or the preceding calendar year, has or had in covered employment four or more workers (whether the same workers are or were employed in each such day).

(3) Any employing unit that succeeds to the organization, trade or business of another employing unit which at the time of such succession is a subject employer; and any employing unit which succeeds to the organization, trade, or business of any previously separate portion of another employing unit, which portion, if treated as a separate employing unit, would be, at the time of the succession, a subject employer under subsections (1) or (2) of this section.

(4) Any employing unit that succeeds to any of the assets of a subject employer's business by any means whatever, otherwise than in the ordinary course of trade, is a subject employer if:

(a) The transferee has continued or resumed the business of the transferor, either in the same establishment or elsewhere; and

(b) The transferee has employed substantially the same workers as those the transferor had employed in connection with the assets acquired; and

(c) The transferee has acquired a previously separate portion of the transferor's assets, which portion, if treated as a separate employing unit, would be, at the time of the succession, a subject employer under subsections (1) or (2) of this section.

(5) Any other employing unit which has elected to become subject to this chapter, pursuant to subsection (3) of KRS 341.250.

(6) Any employing unit which has in covered employment within this state workers subject to the Federal Unemployment Tax Act.

(7) Any employing unit which, having become a subject employer under subsections (1) to (6) of this section, has not ceased to be a subject employer under KRS 341.250.

(8) Notwithstanding the provisions of this section or any other provision of this chapter, no employing unit shall be initially determined a subject employer on the basis of covered employment performed more than six calendar years prior to the year in which such determination is made, unless the Commissioner can show that the records of such employment experience were fraudulently concealed or withheld for the purpose of escaping liability under this chapter.

Section 6. Section 341.270 of the Kentucky Revised Statutes is amended to read as follows:

Determination of employer's contribution rate. (1) Each subject employer's contribution rate shall be two and seven-tenths percent except as otherwise provided in this section.

(2) No subject employer's contribution rate shall be less than two and seven-tenths percent unless:

(a) Contributions were payable to his account with respect to the thirty-six months immediately preceding the computation date; and

(b) His reserve account balance equals or exceeds five times the largest amount of benefits charged against it within any one of the three years last preceding the computation date.

(3) Except as otherwise provided in this section, for the calendar year 1959 and each calendar year thereafter, employer contribution rates shall be determined in accordance with "Table A" set out in subsection (4) of this section. Prior to each calendar year the Commissioner shall determine, as of the 31st day of October, the fund solvency factor by dividing the "benefit cost ratio" into the "state-wide reserve ratio." If such factor:

(a) Equals or exceeds six, the rates listed in "Column B" of "Table A" shall be in effect.

(b) Equals or exceeds three and one-half but is less than six, the rates listed in "Column C" of "Table A" shall be in effect.

(c) Equals or exceeds two and one-half but is less than three and one-half, the rates listed in "Column D" of "Table A" shall be in effect.

(d) Is less than two and one-half, no subject employer's contribution rate shall be less than two and seven-tenths percent and the contribution rate for any subject employer whose individual reserve ratio as of the computation date is less than zero (because benefits have been charged in excess of contributions) shall be four and two-tenths percent.

(4) For the calendar year 1959 and each calendar year thereafter, contribution rates shall be determined upon the basis of an individual employer's reserve ratio as of the computation date and the schedule of rates established under subsection (3) of this section. Except as otherwise provided in this section, the contribution rate for each subject employer for the calendar year immediately following the computation date shall be the rate in that "Column" of "Table A," as set out below, effective with respect to such calendar year, which appears on the same line as his reserve ratio as shown in "Column A" of the same table.

TABLE A

Employer Reserve Ratio (A)	Rate Schedule (B)	Rate Schedule (C)	Rate Schedule (D)
5% and over	0.0%	0.0%	0.6%
4.6% but under 5.05%	0.3%	0.9%	1.2%
4.2% but under 4.6%	0.6%	0.9%	1.8%
3.8% but under 4.2%	0.9%	1.8%	2.7%
3.3% but under 3.8%	1.5%	1.8%	2.7%
2.0% but under 3.3%	2.1%	2.7%	2.7%
0.0% but under 2.0%	2.7%	2.7%	2.7%
Less than 0.0%	3.2%	3.7%	4.0%

(5) As used in this section and elsewhere in this chapter, unless the context clearly requires otherwise:

(a) "Trust fund balance" means the amount of money in the Unemployment Insurance Fund, exclusive of monies transferred to the fund under the provisions of the Federal Employment Security Administrative Financing Act of 1954, which have been appropriated or are subject to appropriation by the legislature. In determining the amount in the fund as of a given date all money received by the Division as of such date shall be considered as being in the fund on such date.

(b) "Taxable wages" means the payroll or payrolls by which contributions were measured for a specified period.

(c) "State-wide reserve ratio" means the percentage ratio obtained by dividing the taxable wages for the twelve months ending on the 30th day of September into the "trust fund balance" as of the immediately following 31st day of October.

(d) "Benefit cost ratio" means the percentage ratio obtained by dividing the taxable wages for the sixty months ending on the 30th day of September, which have been reported to the Division on or before the immediately following 31st day of October, into the total amount of benefits paid from the fund during that same sixty months period.

(e) An employer's "reserve ratio" means the percentage ratio of his reserve account balance as of the computation date to his taxable payrolls for the thirty-six months last preceding such computation date.

(f) An employer's "reserve account balance" means the amount by which contributions credited to his reserve account exceed benefits charged to such account. If benefits charged to an account exceed contributions credited to such account as of the computation date, such account shall be considered as having a debit balance and a reserve ratio of "less than zero."

(g) "Computation date" means the date, occurring at least once in each calendar year and within twenty-seven weeks prior to the effective date of new rates of contribution, as of which individual employer contribution rates are computed. The Commission shall by regulation prescribe the computation date.

Section 7. Section 341.350 of the Kentucky Revised Statutes is amended to read as follows:

Conditions of qualification for benefits. An unemployed worker shall, except as provided in KRS 341.360 and 341.370, be eligible for benefits with respect to any week of unemployment only if:

(1) He has made a claim for benefits;

(2) He has registered for work with respect to such week in accordance with regulations prescribed by the Commission;

(3) He is physically and mentally able to work;

(4) He is available for suitable work, and making such reasonable effort to obtain work as might be expected of a prudent person under like circumstances;

(5) His base-period wages in that calendar quarter of his base period in which such wages were highest are equal to at least two hundred and fifty dollars, and his total base-period wages are not less than one and three-eighths times the base-period wages paid to him in such quarter and he was paid base-period wages in the last six months of his base period equal to at least eight times his weekly benefit rate.

(6) He has served a waiting period of one week of unemployment within his benefit year. No week of unemployment shall be counted as a waiting period unless the worker has satisfied the conditions of subsections (1), (2), (3), (4) and (5) of this section.

(7) The foregoing eligibility requirements and the conditions of benefit disqualifications imposed by KRS 341.370 shall be strictly construed.

Section 8. Section 341.370 of the Kentucky Revised Statutes is amended to read as follows:

Conditions of benefit disqualification. (1) According to the circumstances in each case, a worker shall be disqualified from receiving benefits or serving a waiting period:

(a) For not less than one nor more than sixteen weeks immediately following the commission of the disqualifying act, if, subsequent to his most recent work, he has failed without good cause either to apply for available, suitable work when so directed by the employment office or the Commissioner or to accept suitable work when offered him, or to return to his customary self-employment when so directed by the Commissioner;

(b) For not less than six nor more than sixteen weeks immediately following the commission of the disqualifying act, if he has left his most recent suitable work voluntarily without good cause; or

(c) For not less than six nor more than sixteen weeks immediately following the commission of the disqualifying act, if he has been discharged for misconduct connected with his most recent work, but legitimate activity in connection with labor organizations or failure to join a company union shall not be construed as misconduct.

(2) A worker shall be disqualified from receiving benefits or serving a waiting period for the duration of any period of unemployment with respect to which:

(a) He was discharged for dishonesty in connection with his most recent work.

(b) He voluntarily quit his most recent work to marry or for the purpose of attending school, or to become self-employed.

(3) A worker shall be disqualified from receiving benefits for any week with respect to which he knowingly made a false statement to establish his right to or the amount of his benefits; and, within the succeeding twenty-four months, for such additional weeks immediately following the date of such determination, not to exceed a total of fifty-two, as may be determined by the Commissioner.

(4) No worker shall be disqualified under paragraph (b) or (c) of subsection (1) or subsection (2) of this section unless the employer, within a reasonable time as prescribed by commission regulation, notifies the Division and the worker in writing of the alleged voluntary quitting or the discharge for misconduct; provided, however, that nothing in this subsection shall restrict the right of the Commissioner to disqualify a worker whose employer has refused or failed to notify the Division of the alleged voluntary quitting or discharge for misconduct if such alleged voluntary quitting or discharge for misconduct is known to the Commissioner prior to the time benefits are paid to such worker; provided further, that the exercise of such right by the Commissioner, in the absence of timely notice from the employer, shall not relieve the employer's reserve account of benefit charges under the provisions of KRS 341.530 (3).

(5) As used in this section and in subsection (3) of KRS 341.530, "most recent" work shall be construed as that work which occurred after the first day of the worker's base period and which last preceded the week of unemployment with respect to which benefits are claimed; except that, if the work last preceding such week of unemployment was intermittent or temporary in nature, most recent work may be construed as that work last preceding such intermittent or temporary work.

Section 9. Section 341.380 of the Kentucky Revised Statutes is amended to read as follows:

Payment of benefits; amount. (1) All benefits shall be paid through employment offices, or such other agencies designated by regulations of the Commission. Claims for all payments of benefits shall be made in accordance with regulations of the Commission.

(2) Benefits payable to an eligible worker for weeks of unemployment shall, except as provided in KRS 341.390, be at the rate in Column "C" of "Table B" on the same line which, in Column "B," there appears the amount of base-period wages paid to him in that calendar quarter of his base period in which such base-period wages were highest.

TABLE B

Wage Class (A)	High Quarter Wages (B)	Weekly Benefit Rate (C)
0	Less than $250.00	$ 0.00
1	$250.00 – 262.50	10.00
2	262.51 – 287.50	11.00
3	287.51 – 312.50	12.00
4	312.51 – 337.50	13.00
5	337.51 – 362.50	14.00
6	362.51 – 387.50	15.00
7	387.51 – 412.50	16.00
8	412.51 – 437.50	17.00
9	437.51 – 462.50	18.00
10	462.51 – 487.50	19.00
11	487.51 – 512.50	20.00
12	512.51 – 537.50	21.00
13	537.51 – 562.50	22.00
14	562.51 – 587.50	23.00
15	587.51 – 612.50	24.00
16	612.51 – 637.50	25.00
17	637.51 – 662.50	26.00
18	662.51 – 687.50	27.00
19	687.51 – 712.50	28.00
20	712.51 – 737.50	29.00
21	737.51 – 762.50	30.00
22	762.51 – 787.50	31.00
23	787.51 – 812.50	32.00
24	812.51 – 837.50	33.00
25	837.51 or over	34.00

(3) The maximum amount of benefits payable to any worker within any benefit year shall be the amount equal to whichever is the lesser of (1) twenty-six times his weekly benefit rate or (2) one-third of his base-period wages, except that no worker's maximum amount shall be less than fifteen times his weekly benefit rate. Such maximum amount, if not a multiple of one dollar, shall be adjusted to the nearest multiple of one dollar.

Section 10. Section 341.450 of the Kentucky Revised Statutes is amended to read as follows:

Judicial review. (1) Except as provided in KRS 341.460, within twenty days after the date of the decision of the Commission, any party aggrieved thereby may, after exhausting his remedies before the Commission, secure judicial review thereof by filing a complaint against the Commission in the circuit court of the county in which the claimant was last employed by a subject employer whose reserve account is affected by such claims. Any other party to the proceeding before the Commission shall be made a defendant in such action. The complaint shall state fully the grounds upon which review is sought, assign all errors relied on, and shall be verified by the plaintiff or his attorney. The plaintiff shall furnish copies thereof for each defendant to the Commission, which shall deliver one copy to each defendant.

(2) Summons shall issue upon the complaint directing the Commission to file answer within twenty days after service thereof. Such summons shall be served upon a member of the Commission, or upon such person as the Commission designates, and such service shall be deemed complete service upon all members of the Commission. The Commission may be represented by any qualified attorney designated by the Commission for that purpose or, at the request of the Commission, by the Attorney-General. With its answer, the Commission shall certify and file as an exhibit with the court all documents and papers, and a transcript of all testimony taken in the matter, and orders made therein, together with its findings of fact and decision therein. If consented to by the plaintiff and the adverse party, an abstract of any portion of the record may be certified by the Commission in lieu of certifying such portion of the record in full. The Commission may certify to the court questions of law involved in any decision by it.

(3) Such actions, and the questions so certified, shall be heard by the court in a summary manner upon the record certified by the Commission. The court on its own motion or on the motion of an interested party shall assign a date certain for the review, irrespective of the regular term of court. The clerk of the court shall notify the attorneys of record, the date assigned for review at least ten days in advance thereof. The court shall enter judgment, affirming, modifying, or setting aside the order and the decision appealed from, or determining the question of law certified to it by the Commission, and may in advance of judgment, remand the case to the Commission for further proceedings in accordance with the direction of the court.

(4) An appeal may be taken from the decision of the circuit court to the Court of Appeals, in the same manner, but not inconsistent with the provisions of this chapter, as is provided in equity cases.

(5) It shall not be necessary, in any judicial proceeding under this section or KRS 341.460, to have entered exceptions to the rulings of the Commission, and no bond shall be required for entering such appeal. Upon the final determination of such judicial proceeding, the Commission shall enter an order in accordance with such determination. A petition for judicial review shall not act as a supersedeas or stay unless the Commission shall so order.

Section 11. Section 341.490 of the Kentucky Revised Statutes is amended to read as follows:

Unemployment Insurance Fund, establishment and control. (1) There shall be a special fund known as the Unemployment Insurance Fund which shall be administered separate and apart from all public money or funds of this state. This fund shall consist of:

(a) All contributions and money collected under this chapter, except those imposed under KRS 341.290 and fines, penalties, and interest on delinquent contributions collected under KRS 341.300;

(b) Interest earned upon any money in the fund;

(c) Any property or securities acquired through use of money belonging to the fund;

(d) All earnings of such property or securities;

(e) All money received from the Federal Unemployment Account in the Unemployment Trust Fund in accordance with Title XII of the Social Security Act as amended; and

(f) All money credited to the account of this state in the Unemployment Trust Fund in accordance with Section 903 of the Social Security Act as amended.

(2) All monies in the fund shall be commingled and undivided.

(3) Subject to the provisions of this Act, the Commissioner may have full power, authority and jurisdiction over the fund, including all money and property or securities belonging thereto, and may perform any act necessary or convenient in the administration thereof consistent with this Act.

Section 12. Section 341.530 of the Kentucky Revised Statutes is amended to read as follows:

Employer reserve accounts. (1) The Division shall maintain a reserve account for each subject employer, and shall, except as provided in KRS 341.590, credit to such account the total amount of all contributions paid by the employer on his own behalf. Nothing in this section or elsewhere in this chapter shall be construed to grant any employer or individual who is or was in his employ prior claims or rights to the amounts paid by him into the fund.

(2) Except as provided in subsection (3) of this section the benefits paid to an eligible worker for a week of unemployment shall be charged proportionately against the accounts of those of his subject employers from whom he has base-period wages. The

proportion so used shall be that ratio which is obtained by dividing the base-period wages of a worker from such employer by the total base-period wages of such worker, adjusted to the nearest multiple of one percent. For the purpose of this subsection a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to one cent.

(3) Notwithstanding the provisions of subsection (2) of this section, benefits paid to an eligible worker and chargeable to an employer's reserve account under such subsection shall be charged against the pooled account if such worker was discharged by such employer for misconduct connected with his most recent work for such employer, or voluntarily left his most recent work with such employer without good cause attributable to the employment, and the employer within a reasonable time, as prescribed by commission regulation, notifies the Division, in writing, of the alleged voluntary quitting or discharge for misconduct.

(4) Each subject employer's reserve account shall, unless terminated, be charged with all benefits paid to eligible workers which are chargeable to such reserve account under subsection (2) of this section. A subject employer's reserve account shall be deemed to be terminated if he has ceased to be subject to this chapter, and his account has been closed and any balance remaining therein has been transferred to the pooled account or to a successor's account as provided in KRS 341.540.

(5) Any subject employer may at any time make voluntary payments to the fund, additional to the contributions required under KRS 341.260 and 341.270 which shall be credited to his reserve account, according to the general rules established by the Commission.

Section 13. Section 341.550 of the Kentucky Revised Statutes is amended to read as follows:

Pooled account. (1) The Division shall maintain a pooled account to which shall be credited:

(a) All worker contributions;

(b) The emergency amounts diverted from the subject employers' contributions as provided in KRS 341.560;

(c) All realized earnings and gains on investments of the fund;

(d) Except as provided in KRS 341.540, any balance remaining in the reserve account of any previously subject employer after such employer has ceased to be subject to this chapter;

(e) Any payments into or amounts in the fund not allocable to any employer's reserve account; and

(f) Any payments collected under subsection (2) of this section.

(2) Any benefits paid through error shall be charged against the pooled account. The repayment of benefits paid erroneously as provided in subsection (1) of KRS 341.415 shall be credited to the

pooled account. The pooled account shall be credited with any sums deducted from future benefits as provided in KRS 341.415.

Section 14. Section 341.560 of the Kentucky Revised Statutes is repealed.

Section 15. A new section of Chapter 341 of the Kentucky Revised Statutes is created to read as follows:

A lien of the same nature and upon the same property and having the same force, effect and priorities as that created by KRS 376.010 and 376.140 in favor of persons performing labor is hereby created in favor of the Division to secure the payment of contributions and penalties accruing by reason of the labor performed by such persons. Notice of such lien shall be filed and such lien may be enforced in the same manner and within the same time after such contributions became due as is provided for filing and enforcing the liens created in KRS 376.010 and 376.140.

Section 16. A new section of Chapter 341 of the Kentucky Revised Statutes is created to read as follows:

(1) Any employing unit refusing to make reports required under this chapter within ten days after written notices sent by the Division to such employing unit's last known address by certified mail, notifying such employing unit that this section will be invoked unless such reports are filed, may be restrained or enjoined from continuing in business in this state or employing persons herein until such reports have been made.

(2) Any employing unit actively engaged in business in this state, against which the Division holds a judgment for contributions due under this chapter and upon which an execution has been returned unsatisfied, may, after ten days written notice by the Division sent to such employing unit's last known address by certified mail notifying such employing unit that this section will be invoked unless such judgment is satisfied, be restrained or enjoined from continuing in business in this state or employing persons herein until such judgment has been satisfied or until such employing unit shall have furnished bond with surety approved by the court in a sum equal to the amount of such judgment, plus any other unpaid contributions due under this chapter and such further sum as the court shall deem adequate to protect the Division in the collection of contributions which may become due for the next ensuing six months, said bond to be conditioned upon payment of such judgment and contributions upon such terms and at such time as the court may fix.

(3) Proceedings under the provisions of this section may be instituted upon complaint filed by the Division in the Franklin Circuit Court or any other court of competent jurisdiction in accordance with Kentucky Rules of Civil Procedure, except that no bond shall be required of the Commonwealth or the Division.

Section 17. A new section of Chapter 341 of the Kentucky Revised Statutes is created to read as follows:

(1) Before any contract, exceeding two thousand dollars in amount, is awarded to any person for the construction, alteration, or repair of any public building or public work of the Commonwealth of Kentucky, or any subdivision, county or municipality thereof, such person shall furnish to the contracting agency, county or municipality a payment bond with satisfactory surety, which shall become binding upon the award of the contract to such person, to assure the payment of all contributions under this chapter incurred by such person incident to his performance of such contract.

(2) Nothing in this section shall be construed to limit the authority of any contracting agency, county or municipality to require such other bonds or security as might be elsewhere authorized or deemed desirable.

Section 18. None of the foregoing sections of this Act shall change or affect any determinations made by the Commissioner or the Commission prior to the effective date of such sections, or determinations which will become effective prior to such date.

Section 19. Section 2, Section 11, Section 12, Section 13 and Section 14 of this Act shall become effective as of January 1, 1958, and all other sections hereof shall become effective as of April 1, 1958.

Section 20. Whereas provisions of this Act require that changes be made in the accounts and records of the Division of Unemployment Insurance as of January 1, 1958, and effective administration requires that such changes be made as early in the year as possible, an emergency is hereby declared to exist and this Act shall become effective upon its passage and approval by the Governor.

The Committee on Municipal and County Government reported **HB 42, HB 60,** and **HB 15** with the expression of opinion that same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 42, AN ACT changing the classification of the City of Mount Olivet, in Robertson County.

WHEREAS, satisfactory information has been presented to the General Assembly that the population of the City of Mount Olivet, in Robertson County, is such as to justify its being assigned to the fifth class of cities;

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the City of Mount Olivet, in Robertson County, is hereby transferred from the sixth to the fifth class of cities.

HB 60, AN ACT changing the classification of the City of Beaver Dam, in Ohio County.

WHEREAS, satisfactory information has been presented to the General Assembly that the population of the City of Beaver Dam, in Ohio County, is such as to justify its being classified as a city of the fourth class,

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The City of Beaver Dam, in Ohio County, is transferred from the fifth to the fourth class of cities.

HB 15, AN ACT changing the classification of the City of Hardinsburg, in Breckinridge County.

WHEREAS, satisfactory information has been presented to the General Assembly that the population of the City of Hardinsburg, in Breckinridge County, is such as to justify its being classified as a city of the fifth class.

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The city of Hardinsburg, in Breckinridge County, is transferred from the sixth to the fifth class of cities.

The Committee on Appropriations and Revenues reported **HR 5** without expression of opinion.

The Committee on Education reported **HB 21** with the expression of opinion that the same should pass with the amendment attached thereto. Read at length for the first time and ordered placed in the Calendar.

HB 21, AN ACT relating to teacher's retirement.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 161.605 of the Kentucky Revised Statutes is amended to read as follows:

Retired teachers may do substitute teaching in the public schools of Kentucky for a period not to exceed forty days in any one school year, and receive compensation for same without reduction in retirement annuities.

Representative McGuire moved to amend **HB 21** as follows:

Amend printed copy of **HB 21** on page 1, section 1, line 4, delete the word "forty" following the word "exceed" and immediately preceding the word "days" in line 4 and substitute in lieu thereof the word "sixty"

The Committee on Judiciary, Executive and Legislative Affairs reported **HB 44** with the expression of opinion that the same should not pass.

The Committee on Appropriations and Revenues reported **HB 67** with the expression of opinion that the same should pass with committee amendment. Read at length for the first time and ordered placed in the Calendar.

HB 67, AN ACT relating to Cooperatives.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Any agricultural cooperative organized or operated under provisions of Chapter 272 of the Kentucky Revised Statutes, or any agricultural cooperative association organized under the provisions of Chapter 271 of the Kentucky Revised Statutes and meeting the requirements of an agricultural cooperative as set forth in Chapter 57, Section 1, 42 U. S. Statutes, p. 388 (Title 7, Sect. 291, U.S.C.A.), or any cooperative organized under the laws of any other state and qualified to do business as an agricultural cooperative in the state, or any cooperative corporation organized under Chapter 279 of Kentucky Revised Statutes may recover, after a period of five years, any unclaimed stocks, dividends, patronage refunds, or book equities for which the owner cannot be found and which are the result of distributable savings of the cooperative. The mailing of these stocks, dividends, patronage refunds, or book equities to the last known address of the individual involved as recorded on the records of the cooperative shall be evidence of a bona fide attempt to deliver same to the individual. When the notice to the individual of these amounts has been returned by the U. S. mail and the amounts have not been called for, after five years, the amounts involved may be placed in the income of the cooperative for the appropriate year and redistributed to the then current patrons.

Representative Stith moved to amend **HB 67** as follows:

Amend printed copy of **HB 67** on page 1, lines 7, 8 and 9.

Delete the words: "or any cooperative corporation organized under the laws of any other state and qualified to do business as an agricultural cooperative in the state,"

Reference of Bills

The Speaker announced referral of the following bills and resolutions:

Appropriations and Revenues: **HB 122.**
Banking and Insurance: **HB 117.**
Education: **HB 120, HB 121.**
Judiciary, Executive and Legislative Affairs: **HB 125, HB 133.**
Labor and Industry: **HB 119, HB 126.**

Municipal and County Government: **HB 123, HB 130, HB 135.**

Public Utilities: **HB 128.**

Suffrage, Elections and Constitutional Amendments: **HB 118.**

Ways and Means: **HB 124, HB 127, HB 129, HB 131, HB 132, HB 136, HB 137.**

Introductions

The following House Bills and Resolutions were introduced:

HR 26, by Representative Huddleston, A JOINT RESOLUTION authorizing and directing the Legislative Research Commission to furnish copies of the Legislative Record to State Colleges.

HB 138, by Representative Bush, AN ACT relating to elections.

HB 139, by Representative Everett, AN ACT relating to motor transportation.

HB 140, by Representative Everett, AN ACT relating to construction of National Guard Armories, and appropriating money therefor.

HB 141, by Representative Everett, AN ACT relating to police judges.

HB 142, by Representative Everett, AN ACT relating to the sale of real property by cities and counties.

HB 143, by Representative Stith, AN ACT relating to federation of Farm Bureaus.

HB 144, by Representative Walsh, AN ACT relating to physical therapy and the practice thereof, including establishment of a Physical Therapy Board, collection of fees, and the issuance, suspension and revocation of licenses, and prescribing penalties for unlicensed practice of physical therapy and other violations of this Act.

HB 145, by Representative Marlow W. Cook, AN ACT relating to the Commissioner of Rural Highways.

HB 146, by Representative Marlow W. Cook, AN ACT relating to appeals from unemployment compensation claim determinations.

HB 147, by Representative Moore, AN ACT providing for the sale of real property by cities and counties.

HB 148, by Representative Buchanan, AN ACT relating to voting machines.

HB 149, by Representative Buchanan, AN ACT relating to election expenses.

HB 150, by Representative Buchanan, AN ACT relating to election precincts.

HB 151, by Representatives Greene, Qualls, Hale, Bach, Rayburn, H. Nick Johnson, Dempsey, Brown, Whitehead, AN ACT relating to taxation of motor carrier.

HB 152, by Representatives Greene, Qualls, Hale, Rayburn, H. Nick Johnson, Dempsey, Brown, AN ACT relating to taxation of interstate special fuel users.

HB 153, by Representative Cottengim, AN ACT relating to alcoholic beverage control.

HB 154, by Representatives Lowman, Coffey, McCallum, Hahn, Burke, Lovelace, McGuire, Arnold, P. W. Cornett, Gay, Tanner, Duff, Buckner, Greene, Newberry, Rausch, AN ACT proposing amendment of Sections 3 and 49 of the Constitution of Kentucky relative to the payment of a bonus.

HB 155, by Representative Greene, AN ACT relating to County Courts.

HB 156, by Representatives Ann B. Hall, Gay, AN ACT relating to education.

HB 157, by Representative Huddleston, AN ACT relating to schools for handicapped children and making an appropriation thereto.

HB 158, by Representatives Gay, Cottengim, Bach, E. Thomas, C. R. Reynolds, P. W. Cornett, Hall, Peace, Coffey, Dempsey, Hahn, Qualls, Sowards, Henry, Burress, Hislope, Wirsch, Hodges, McGuire, Bartley, Brown, Hale, Clore, Render, Willen, Duff, Kincer, Bush, Finney, Fields, Lyon, H. N. Johnson, Bill Cornett, Buckner, Buchanan, AN ACT relating to a veterans' bonus, raising revenue therefor.

HB 159, by Representative Everett, AN ACT relating to industrial safety.

HB 160, by Representative Everett, AN ACT relating to safety and health of employees.

HB 161, by Representatives Brown, Hodges, Dempsey, Buchanan, Peace, Coffey, Sowards, H. N. Johnson, Qualls, Duff, Whitehead, Burress, Gay, Bach, AN ACT relating to highway improvement.

HB 162, by Representative Render, AN ACT relating to employment in the Department of Highways.

HB 163, by Representative Breckinridge, AN ACT relating to voting machines; providing a method of procurement thereof and payment therefor.

Representative Everett moved that the House adjourn until 1:00 p.m., January 28. Agreed.

TUESDAY, JANUARY 28, 1958

EIGHTEENTH LEGISLATIVE DAY

The House was called to order by the Speaker, Mr. Weintraub.

Invocation by the Reverend Edward L. Tullis, of the First Methodist Church, of Frankfort.

The roll was called. All present except Bach, Buckner, Paul Cornett, Duff, Gay, Hodges, Howard, H. Nick Johnson, Huston Johnson, Lowman, Miller, Parrish, Ray, Russell Reynolds, Richards, Stith, Wathen, Wirsch.

Senate Message

Senate message announcing passage of **HR 4, SR 27, SR 28, SR 29.**

Motions

Representative Chaudoin moved that absent members be granted leaves of absence. Agreed.

Representative Isler moved that the reading of the Journal for January 27 be dispensed with and same approved. Agreed.

Representative Isler made a motion that **HR 5** be recommitted to the Committee on Appropriations and Revenues. Agreed.

Representative Fields moved that **HB 44** be given a first reading and placed in the Calendar, the report of the Committee notwithstanding. Agreed.

HB 44, read at length for the first time and ordered placed in the Calendar.

HB 44, AN ACT relating to real estate brokers and salesmen.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 324.030 of the Kentucky Revised Statutes is amended to read as follows:

KRS 324.020 shall not apply to:

(1) Any person who as owner or lessor performs any of the acts defined in KRS 324.010 with reference to property owned or leased by him or to his regular employes, with respect to the property so owned or leased, where such acts are performed in the regular course of, or as an incident to the management of such property and the investment in it.

(2) Any person acting as attorney in fact under a duly executed power of attorney from the owner authorizing the final consummation by performance of any contract for the sale, leasing or exchange of real estate.

(3) Any attorney at law who is performing his duties as attorney at law.

(4) Any receiver, trustee in bankruptcy, administrator or executor or any person selling real estate under order of any court, or a trustee acting under a trust agreement, deed of trust or will, or the regular salaried employes thereof.

(5) Any person who acts as auctioneer of real property but who does not deal in real estate as either a broker or a salesman.

Representative Everett moved adoption of **SR 27.** Adopted.

SR 27, A CONCURRENT RESOLUTION to designate Kentucky Highway Number 15, as the Trail of the Lonesome Pine.

WHEREAS, a large portion of what is now Kentucky Highway Number 15 from Winchester to Whitesburg, Kentucky is over and along the original Trail of the Lonesome Pine;

WHEREAS, it is the desire of many of the residents of Eastern Kentucky, that some definite measure be taken to preserve the fame of the trail;

NOW, THEREFORE,

Be it resolved by the Senate of the Commonwealth of Kentucky, the House of Representatives concurring therein:

Section 1. That Kentucky Highway Number 15, from Winchester to Whitesburg, Kentucky, is designated as the "Trail of the Lonesome Pine."

Section 2. That the Department of Highways of the Commonwealth of Kentucky is directed to place appropriate markers at both ends of, and at reasonable intervals along, Kentucky Highway Number 15.

Section 3. That the Clerk of the Senate is directed to forward copies of this resolution to the Department of Highways of the Commonwealth of Kentucky.

Representative Everett moved adoption of **SR 28.** Adopted.

SR 28, A CONCURRENT RESOLUTION memoralizing and petitioning Congress to repeal certain "war-time" taxes.

WHEREAS, during World War II the Congress of the United States levied certain transportation excise taxes;

WHEREAS, these taxes were levied as war time emergency measures, and, as such, have outlived their justification; and

WHEREAS, there have been introduced in the Congress of the United States certain bills which would effect the repeal of these taxes which are discriminatory in nature and should no longer be continued in effect;

NOW, THEREFORE,

Be it resolved by the Senate of the Commonwealth of Kentucky, the House of Representatives therein concurring:

That it is the sense of both bodies and of the members of the General Assembly of the State of Kentucky, that justice and fair play require the repeal of transportation excise taxes in the amounts of ten percent on passenger travel and three percent on freight levied during World War II.

That the General Assembly of Kentucky does hereby memorialize and petition and does respectfully urge the Congress of the United States to provide a measure of needed relief to the people of our nation by enacting the pending legislation to repeal these "war-time" excise taxes levied on transportation.

That the Secretary of the Senate transmit a duly authenticated copy of this resolution to the President of the United States House of Representatives and to each member of the Kentucky delegation in Congress.

Representative Everett moved adoption of **SR 29.** Adopted.

SR 29, A CONCURRENT RESOLUTION requesting the Department of Conservation of Parks, of the Commonwealth of Kentucky to establish and maintain Buckhorn Reservoir as a state park.

WHEREAS, Buckhorn Reservoir is located about one half mile from Buckhorn, Perry County, Kentucky; and

WHEREAS, the Government of the United States has constructed Buckhorn Reservoir as a permanent storage conservation pool, with an area, at full pool, of approximately 3,610 acres; and

WHEREAS, Buckhorn Reservoir, as a state fishing lake and recreation area, would be of great benefit to the locality as well as the State of Kentucky,

NOW, THEREFORE,

Be it resolved by the Senate of the Commonwealth of Kentucky, the House of Representatives concurring therein:

Section 1. That the Department of Conservation, Division of Parks, of the Commonwealth of Kentucky is urged to establish and maintain Buckhorn Reservoir as a state park.

Section 2. That the Clerk of the Senate is directed to forward authenticated copies of this resolution to the Commissioner of the Department of Conservation, and the Director of the Division of State Parks.

Representative Marlow Cook handed the following motion to the House Clerk to be read to the House:

Motion

That this House instruct the Speaker to propound an interrogatory to the Attorney General for the purpose of determining the number of employees which this House may have on its payroll for the 1958 General Assembly pursuant to Section 249 of the Constitution and further that said interrogatory, upon receipt, be forthwith read by the Speaker to this House.

QUESTION: Pursuant to Section 249 of the Constitution of this Commonwealth what is the Constitutional limit of employees which this House may have on its payroll?

On roll call, the vote was yeas 28—Arnold, Barton, Baumgardner, Breckinridge, Burke, Clore, M. W. Cook, P. F. Davis, W. F. Davis, Ford, Hislope, Huddleston, Kingsbury, McGuire, Mackey, Moore, Ockerman, Parrish, Ray, Raybourne, C. R. Reynolds, Steiger, Tanner, Walsh, Wathen, Wells, Willen, Williams. Nays 33—Anderson, Billington, Bush, Casey, Coffey, Combs, E. E. Cook, Cottengim, Everett, Fields, Finney, Fitzpatrick, Hahn, Hale, Haley, Henry, Isler, Lovelace, McCallum, McReynolds, Nunn, Qualls, Rayburn, Reed, R. Reynolds, Searcy, Smith, Sowards, Ed Thomas, Stanley Thomas, Tinsley, Wilson, Young.

Motion was rejected.

Representative Rayburn moved adoption of **HR 29.** Adopted.

HR 29, A CONCURRENT RESOLUTION relating to adjournment of the General Assembly.

Be it resolved by the House of Representatives of the Commonwealth of Kentucky, the Senate concurring therein:

Section 1. That when the House of Representatives and the Senate adjourn on Wednesday, January 29, 1958, they adjourn to Monday, February 3, 1958, 8 p. m. and that said adjournment be in the memory of President Franklin D. Roosevelt.

Section 2. This adjournment recognizes that Thursday, January 30, 1958 is not a legislative day within the meaning of Section 42 of the Constitution. KRS 2.110 specifies that January 30, 1958, Franklin D. Roosevelt Day, is a legal holiday. Section 42 of the Constitution excludes Sunday and legal holidays in the count of sixty legislative days.

Report of Committees

The Committee on Appropriations and Revenues reported **HB 10** and **HB 12** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 10, AN ACT relating to fire protection.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. In enacting a fire department aid law it is the intention of the General Assembly to supplement local efforts to prevent the loss of lives and property by fire. The inadequacy of present facilities, the high cost of acquisition and maintenance of modern fire fighting equipment and the need for better trained firemen are hereby declared to be matters of public interest and concern and vital to the promotion of the health, safety, prosperity and security of the inhabitants of the Commonwealth.

Section 2. There is established in the Department of Public Safety an advisory committee to be known as the Fire Department Committee, consisting of eight members, who shall advise the Commissioner of Public Safety on all matters pertaining to the provisions of this Act. The members of the Committee shall receive no compensation for their services, but shall be reimbursed for reasonable and necessary expenses incurred in connection with the performance of their duties.

Section 3. One member of the Committee shall be appointed by the Governor from each congressional district from a list of three names submitted from each district. Each city or district entitled to an allotment under the fire department aid law shall be entitled to one vote for nominees from the congressional district. The Commissioner shall give notice to the chief officer of such cities or districts at least ten days before the date of meeting for nominations for committee members. Delegates and nominees must be members of a fire department.

Section 4. The members of the Committee first to be appointed shall hold office two for one year, two for two years, two for three years and two for four years from the effective date of this Act, the term of each to be designated by the Governor. Their successors shall be appointed for terms of four years. Vacancies occurring during a term shall be filled by appointment for the unexpired term.

Section 5. The Commissioner shall allot on an annual basis the funds appropriated for fire department aid in amounts not to exceed $2,000 to those cities of the third to sixth classes, fire prevention districts organized pursuant to KRS Chapter 75 and county districts established under authority of KRS 67.320, in which a fire department is maintained or being established. With the advice of the Fire Department Committee, he shall prescribe regulations and standards for determining the amounts to be granted. Such standards shall be based on the number of firemen, both paid and volunteer, the amount of equipment, housing facilities available and such other matters or standards as will best effect the purposes of the fire department aid law. No allotment shall exceed the total value of the funds, equipment, lands and buildings made available to the local fire units from any source whatever for the year in which the allotment is made.

Section 6. Funds allotted by the Commissioner shall be expended by direction of the governing body of the city or district only for the maintenance of fire departments, the purchase, maintenance and repair of fire apparatus and equipment including buildings housing such fire departments. Cities of the fifth and sixth classes, or fire prevention district, with population not exceeding 3,000, may expend allotted funds for acquisition of lands or buildings, and for expenses of firemen in attending schools and conventions not exceeding an amount prescribed by regulation.

Section 7. The Commissioner shall make available at all times a list of fire fighting equipment, apparatus and other fire protection items which may be purchased with allotted moneys. No expenditures shall be made for any item not appearing on the list without first obtaining the written approval of the Commissioner.

Section 8. To carry out the purposes of this Act there is appropriated to the Department of Public Safety out of the General Expenditure Fund in the State Treasury the sum of $500,000 for the 1958-1959 fiscal year, and the sum of $500,000 for the 1959-1960 fiscal year. Thereafter the Commissioner shall make the budgetary requests necessary to continue the purposes of this Act.

HB 12, AN ACT relating to taxation of non-profit race tracks, repealing KRS 138.512.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 138.512 of the Kentucky Revised Statutes is repealed.

The Committee on Judiciary, Executive and Legislative Affairs reported **HB 94** and **HB 16** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 94, AN ACT relating to the Legislative Research Commission.

Be it enacted by the General Assmebly of the Commonwealth of Kentucky:

Section 1. Sub-section (1) of Section 7.090 of the Kentucky Revised Statutes is amended to read as follows:

(1) There is hereby created a Legislative Research Commission composed of the Lieutenant Governor, the President Pro Tem of the Senate, the Speaker of the House of Representatives, the majority and minority floor leader of the Senate and House of Repre-

sentatives, three members from the Senate elected by the membership of the Senate, and three members from the House of Representatives elected by the membership of the House of Representatives. Immediately upon passage of this Act the Senate and the House of Representatives shall fill the membership on this Commission as herein provided for, and the members so elected shall become immediately eligible for membership on the Commission. Any vacancy in the Commission shall be filled by the remaining members thereof, provided, if the vacancy is in the membership of the House of Representatives then the successor shall be from the House and if the vacancy is from the Senate membership of the Commission then the successor shall be from the Senate. A member thus elected to fill any vacancy shall hold office for the unexpired term of his predecessor. Three members of the Commission may join together to call a meeting of this Commission. The Lieutenant Governor shall be ex-officio chairman of the Commission and may vote only to break a tie, in which event there shall be duly noted in the minutes of the Commission the facts as to the deadlock and the vote of the Chairman thereon.

Section 2. In order for the General Assembly immediately to take action as herein provided, an emergency is declared to exist and this Act shall take effect from and after its passage and approval by the Governor, or if vetoed, from and after such time as this Act is passed over said veto.

HB 16, AN ACT relating to summoning of jurors.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 29.175 of the Kentucky Revised Statutes is amended to read as follows:

(1) The clerk of each circuit court shall open the sealed envelope containing the jury list for a term, or month, not more than twenty days before the date on which the grand and petit jurors are required to attend and shall make fair copies of the jury lists and deliver them to the sheriff in sufficient time to enable him to summon the jurors by the time hereinafter specified. The sheriff shall, at least ten days prior to the date on which they are required to attend, summon the persons to attend. In courts having terms, the judge shall by order specify to the sheriff the number of jurors to be summoned to attend on the first day of the term, and, if less than the full number drawn for jury service are directed to attend on the first day of the term, then the court shall specify the subsequent day in the term on which the remainder shall be summoned to attend. In courts of continuous session, the jurors shall be summoned to attend on the first Monday in the month for which they are drawn or on such day as is ordered by the judge; provided, that

the judge by order may direct the sheriff to summon less than the full number drawn to attend the first Monday, and to summon the remainder at a subsequent day. The officer shall summon such persons by mail. The summons shall be sealed in an envelope addressed to the prospective juror and mailed to the juror's address by registered mail with return receipt requested. When the return receipt has been received by the sheriff, the service shall be deemed complete.

(2) The list shall be returned by the sheriff seven days in advance of the day upon which the jurors are required to attend, with a certificate thereon of the date and manner in which each juror was summoned. From this list the regular panels of grand and petit juries shall be selected. The court may, in selecting the respective panels, interrogate such persons relative to any matter which it deems pertinent and material to determine their qualifications as jurors.

(3) If the sheriff's return discloses that a person summoned for jury service is deceased, or was otherwise unable to be served, the court, when the jury list is returned, may draw from the drum an equivalent number of names and the sheriff shall immediately summon such persons.

(4) No sheriff or other officer shall corruptly or through favor or ill will, summon a juror with intent that the juror shall find a verdict for or against any party, or with like intent that a person shall or shall not find an indictment against any particular individual, and he shall not, through favor or ill will, fail to summon a person to act as a juror.

The Committee on Education reported **HR 13** with the expression of opinion that the same should pass with the committee amendment attached thereto. Read at length for the first time and ordered placed in the Calendar.

HR 13, A JOINT RESOLUTION addressed to the Kentucky Department of Education requesting that it use all means to obtain federal aid for education.

WHEREAS, the Federal Government has launched a study of the educational systems of the country; and

WHEREAS, it is proposed in Congress that federal assistance be given to the schools of the various states; and

WHEREAS, there is now needed a greater effort on the part of the schools to train and educate the youth of America, especially in the technological sciences; and

WHEREAS, it appears that money will be made available for use by the states to aid in implementing the program;

NOW, THEREFORE,

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That the State Department of Education is hereby requested and urged to take all necessary and possible steps with the view of obtaining federal aid to a greater degree, and that the Department prepare and have ready the necessary planning to fully utilize whatever aid may be given.

Representative Breckinridge moved to amend **HR 13** as follows:

Amend printed copy of **HR 13** by adding a fourth paragraph, as follows:

WHEREAS, a democracy depends upon an appreciation of the humanities; and

The Committee on Judiciary, Executive and Legislative Affairs reported **HB 23** and **HB 133** with the expression that the same should pass with the amendments attached thereto. Read at length for the first time and ordered placed in the Calendar.

HB 23, AN ACT relating to grand jurors and petit jurors.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 29.390 of the Kentucky Revised Statutes is amended to read as follows:

(1) Grand jurors and petit jurors in circuit court shall each be paid ten dollars per day for jury service. Persons whose names are on the jury list for jury service in circuit court, or are summoned under KRS 29.280 to supply a deficiency, who appear in person in court in response to summons, who reside outside the corporate limits of the city in which the court sits, and who do not claim exemption or ask to be relieved from jury service, shall receive ten dollars per day for each day they are required to be and are in attendance, even though they are not sworn or accepted for jury service.

(2) When kept together overnight in custody of the sheriff, petit jurors shall receive five dollars additional for each night they are kept together.

(3) In courts inferior to the circuit court, except in counties containing a city of the second class, each juror shall be paid fifty cents for each case in which he serves, but if the same juror serves on more than two juries in one day he shall not be allowed a fee for the cases in excess of two.

(4) In courts inferior to the circuit court, in counties containing a city of the second class, each juror shall be paid one dollar and fifty cents for each case in which he serves, but if the same juror serves on more than two juries in one day he shall not be allowed a fee for the cases in excess of two.

Representative Gullette moved to amend HB 23 as follows:

Amend printed copy of **HB 23** on page 1, lines 7 and 8 by deleting the words: "who reside outside the corporate limits of the city in which the court sits,"

HB 133, AN ACT relating to trial commissioners appointed by county court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 25.280 of the Kentucky Revised Statutes is amended to read as follows:

The judge of the county court of each county may appoint a trial commissioner or commissioners who shall hold office at the pleasure of the judge, and shall discharge such judicial duties as may be assigned to him by the judge. The commissioner shall report his actions to the judge for the approval or disapproval of the judge. The commissioner shall possess the qualifications of a judge of the county court. He shall receive a salary, to be fixed by the fiscal court, which shall not exceed the compensation of the county judge, except in counties containing cities of the first or second class, in which counties the fiscal court may fix the salary of the commissioner at not more than thirty-six hundred dollars per annum. The salary of the commissioner shall be paid in the same way as the county judge is paid.

Representative Ockerman moved to amend **HB 133** as follows:

Amend printed copy of **HB 133** on Page 1, section 1, lines 8 and 9, by striking immediately after the word "shall" in line 8 the words "possess the qualification of a judge of the county court" and inserting in lieu thereof the words "be a licensed attorney."

And, on line 11, by striking immediately after the word "judge" the words "except in counties containing cities of the first or second class, in which counties the fiscal court may fix the salary of the commissioner at not more than thirty-six hundred dollars per annum."

The Committee on Education reported **HB 19** and **HB 46** with the expression that the same should not pass.

Calendar

HB 5, HB 15, HB 21, HB 42, HB 49, HB 60, HB 67, HB 119, HR 9, HR 11, and **HR 22** were taken from the Calendar and ordered read at length for the second time. Ordered placed in Orders of the Day.

Introductions

The following Bills and Resolutions were introduced:

HR 27, by Representative Isler, A JOINT RESOLUTION authorizing the Legislative Research Commission to make a study of the laws exempting property from certain judicial processes, toward making Kentucky law more uniform with the laws of other jurisdictions.

HB 28, by Representative Hislope, A RESOLUTION providing that the House of Representatives shall immediately rescind the appointment of all employees not authorized or permitted by Section 249 of the Constitution.

HB 164, by Representatives Sowards, Coffey, Peace, H. N. Johnson, AN ACT relating to witnesses.

HB 165, by Representative Sowards, Gay, Dempsey, Peace, P. W. Cornett, Qualls, Hall, Hodges, AN ACT relating to a Veterans' Bonus.

HB 166, by Representative Kingsbury, AN ACT relating to the possession and use of radio equipment.

HB 167, by Representatives Stanley R. Thomas, Ed Thomas, Hinkle, Parrish, Kincer, Hart, AN ACT relating to game and fish.

HB 168, by Representatives Hinkle, Breckinridge, Tanner, P. F. Davis, Barton, McGuire, E. E. Cook, Smith, Hopkins, Peace, Fields, Hale, Burke, M. W. Cook, Mackey, Coffey, Hahn, Arnold, C. R. Reynolds, Ann Hall, Bach, Kingsbury, Anderson, Hart, Walsh, Young, Ford, Lovelace, Haley, Ed Thomas, Hislope, Crecelius, Brown, Gay, Buchanan, Kincer, Reed, Qualls, Bartley, Dempsey, Whitehead, Sowards, Moore, Casey, Chaudoin, Isler, Russell Reynolds, Parrish, Bush, Clore, Lyon, Burress, Render, Ratcliffe, AN ACT relating to the Teachers' Retirement System, amending Sections 161.520 and 161.660 of the Kentucky Revised Statutes and creating additional sections.

HB 169, by Representatives Hinkle, Breckinridge, Arnold, Tanner, Newberry, C. R. Reynolds, Hahn, Coffey, Fields, Mackey, Crecelius, M. W. Cook, Gay, Hopkins, Hale, Burke, Peace, Huddleston, Searcy, Smith, E. E. Cook, McGuire, Barton, P. F. Davis, Kingsbury, Hart, Anderson, Young, Walsh, Bach, Ford, Lovelace, Haley, Ed Thomas, Hislope, Brown, Ratcliffe, Gay, Buchanan, Kincer, Reed, Fitzpatrick, Qualls, Dempsey, Bartley, Whitehead, Sowards, Chaudoin, Moore, Casey, Isler, Bill Cornett, Russell Reynolds, Parrish, Bush, Clore, Burress, Lyon, Render, AN ACT relating to the Teachers' Retirement System of the State of Kentucky, amending Sections 161.340 and 161.430 of the Kentucky Revised Statutes.

HB 170, by Representative Stanley Thomas, AN ACT relating to the standard of time.

HB 171, by Representative Everett, AN ACT relating to the practice of optometry.

HB 172, by Representative Everett, AN ACT relating to optometry.

HB 173, by Representatives Ed Thomas, Kincer, AN ACT relating to the lending of money.

HB 174, by Representative Everett, AN ACT relating to motor vehicle operator licenses.

HB 175, by Representative Casey, AN ACT relating to fishing.

HB 176, by Representative Render, AN ACT relating to the standard of time.

HB 177, by Representatives Buchanan, H. Nick Johnson, Buckner, Hislope, Sowards, Coffey, Willen, Dempsey, Brown, Bartley, M. W. Cook, Whitehead, Peace, Rayburn, Qualls, Render, W. F. Davis, Burress, Paul Cornett, AN ACT relating to indigent medical care.

HB 178, by Representative Cottengim, AN ACT relating to wages.

HB 179, by Representative Cottengim, AN ACT relating to prevailing rates of wages.

HB 180, by Representative Bush, AN ACT relating to railroads.

HB 181, by Representative Wathen, AN ACT relating to private corporations.

Representative Everett moved that the House adjourn until 11:00 a.m., January 29. Agreed.

WEDNESDAY, JANUARY 29, 1958

NINETEENTH LEGISLATIVE DAY

The House was called to order by the Speaker, Mr. Weintraub.

Invocation by the Reverend Edward L. Tullis, of the First Methodist Church, of Frankfort.

The roll was called. All members present except Anderson, Paul Cornett, Gay, Hart, Howard, Huston Johnson, Kincer, Miller, Reed, Richards, Wirsch.

Representative Chaudoin moved that absent members be granted leaves of absence. Agreed.

Reading of the Journal for January 28 dispensed with and the same approved on motion of Representative Isler.

Senate Message

Senate Message announcing passage of **SR 25.**

Representative Williams moved for adoption of **SR 25.** Adopted.

SR 25, A CONCURRENT RESOLUTION commemorating the fine qualities of statesmanship, patriotism, and loyalty exemplified in the life of Alben William Barkley.

Be it resolved by the Senate of the Commonwealth of Kentucky, the House of Representatives concurring therein, that these expressions of our thoughts and sentiments be made a permanent part of the legislative record of this session.

On Monday, April 30, 1956, in an hour of joy and zeal Alben Barkley passed out of the company of living men while speaking to a political convention of young Americans in Lexington, Virginia. Nothing pleased him more than to stand before his fellow men, to speak to them, to illustrate with his inimitable stories, to expound the gospel of the Democratic Party which he loved so well, and to proclaim the faith by which he lived.

Alben Barkley as a young man attended for a short period Thomas Jefferson's university, the University of Virginia. There he breathed deep the air of Jefferson's philosophy, found and nurtured his spiritual kinship with the immortal author of the Declaration of Independence, and was ever the disciple and prophet of Jeffersonian democracy. He recognized that great forces were loose in America and that great changes were taking place. He knew that when a nation grows rich and powerful it can become careless and forget its ideals.

Proud of the opportunities given to him to serve his country, he met them, he gloriously measured up to them—from log cabin, county attorney, county judge, Congressman, Senator to Vice President. Vice Presidents have come and gone, many of them, but we have had only one so outstanding in personality, in leadership and in service to our country, and so strong in the appreciation and affections of the American people as to become "Mr. Veep." Like that other immortal Kentuckian, Henry Clay, his name and fame outshown even many of those who have held the great office of President of the United States.

Alben Barkley labored and fought for the preservation and the perfecting of American democracy. He fought against special privilege, monopoly, the mastery of the many by the few. He fought to open wide the door of economic opportunity, to redress social wrongs, to correct political abuses. He was on the side of the underprivileged, the less fortunate, the little folks. He was the champion of the people and a mighty warrior for peace for ourselves and for all nations. In the closing words of his autobiography he declares:

"I should like to live to see every American family living in a comfortable home, and every American child born and reared in an atmosphere sufficiently wholesome to guarantee an even chance for health and intellectual and moral development consonant with the responsibilities of American citizenship. I should like to live to see the world at peace, where the inventive genius of man would be utilized to improve the conditions of life throughout the world. I should like to live to see the pledge of every nation respected by every other nation because it was made in good faith and observed to the letter."

It is ironic but no testimony from anyone on earth could more competently describe the life of Alben Barkley than the very last words which he, himself, uttered as he left us to join God:

"I would rather be a servant in the House of the Lord than to sit in the seats of the mighty."

Be it further resolved that a copy of this memorial resolution be sent to his family.

Introductions

HR 32, by Representatives Kingsbury, Fitzpatrick, Isler and Cottengim, A RESOLUTION extending congratulations to Kenton County upon the occasion of the one hundred eighteenth anniversary of its creation.

Representative Fitzpatrick moved for adoption of **HR 32**. Adopted.

HR 32, A RESOLUTION extending congratulations to Kenton County upon the occasion of the one hundred eighteenth anniversary of its creation.

WHEREAS, Kenton County will on January twenty-ninth, one thousand nine hundred and fifty-eight anni domino celebrate the one hundred eighteenth year of the official existence;

WHEREAS, Kenton County has had a major part in the making of the colorful and romantic history for which our beloved Commonwealth is justly famous;

WHEREAS, the citizens of Kenton County have been among the front runners in the Commonwealth in progress having by unity of purpose, unselfish cooperation and tireless labor developed a community of beautiful homes, fine schools and stately churches;

WHEREAS, Kenton County has paralleled its progress in the educational and aesthetic by its industrial progress thereby assuring the physical as well as the mental and spiritual well being of its citizens;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the Commonwealth of Kentucky:

Section 1. That the House of Representatives of the Commonwealth of Kentucky does hereby extend to Kenton County its congratulations upon the occasion of its one hundred eighteenth anniversary.

Section 2. That the Clerk of the House of Representatives cause copies of this resolution to be sent to the County Judge and Clerk of Kenton County.

Representative Sowards, in introducing **HR 30,** addressed the House as follows:

Some 365 days ago the rains descended from the Heavens on the Eastern Kentucky mountains, bringing with it mud, water, and mulk, from the mines, the mountain, and river beds. The streams and creeks of water was everywhere, this forcing the powerful old Big Sandy and Levisia and Russell Forks over their banks, spreading an avalanche of rubbish and destruction upon our streets, our roads, our automobiles, our homes and our businesses.. There were over 90% of all our bridges washed out, and everything destroyed within the reach of this powerful water.

When old powerful Big Sandy had descended, it had taken its toll, hundred and hundreds of homes and businesses had been washed away or destroyed. Thousands and thousands of people were left homeless. There was very little food and water that wasn't contaminated. My people had no clothes to wear, just what they had on their backs.

But after all of this my people were still courageous. They started out from scratch and tried to build back what was originally the Big Sandy Valley, but *fear* had come between them and their ambitions. Now my poor broken hearted people are at a standstill. They do not know what to do, or what direction to turn.

Now, my poor old people have nothing to go on except a bunch of political promises. These promises will not stop the fear that my people have in their hearts, or the powerful rampaging waters of the Big Sandy River. Nor will these promises furnish water for our badly needed industry for the employment of my people.

Yes, the Federal Government declared us a disastrous area, but yet they appropriated over 4 billion dollars for rivers and harbors, but not one red cent did we get.

My people are losing faith in their government. Our government is supposed to be the government of the people, for the people and by the people. Gentlemen all we get is the privilege of paying taxes.

Gentlemen, you might travel from the rocky coast of Maine to the sunkist shores of California, you will never find a more deserving 1/2 million people, than the people from the great counties of Letcher, Pike, Floyd, Johnson, Lawrence, and Boyd.

If we could have only one dam on the Levisia Fork of the Big Sandy which would control for evermore the potential flood waters of the future.

The fear that my people have lived with so long would be abolished. The confidence in their government restored. The confidence of the people would then have result in increased activity in business and industry being established in this area.

The natural resources in this valley is so great that if the flood waters were properly controlled, this area could be developed into one of the greatest manufacturing centers in this or any other state.

Gentlemen our popuplation has decreased 19% as a direct result of the flood of January 29, 1957.

Ladies and gentlemen of this General Assembly, I urge you to adopt my resolution, and to write a personal letter to the Congress of the United States, to give us a little consideration, and for the sake of the human race, the Great God Almighty, let charity begin at home.

Representative Lowman moved for adoption of **HR 30** and that Mr. Sowards' introductory speech be included in the House Journal for 1958.

Motion and Resolution adopted.

HR 30, A CONCURRENT RESOLUTION memorializing congress to expedite plans for a flood control program along the Big Sandy River.

WHEREAS, January 29, 1958 marks the anniversary of the most disastrous flood along the Big Sandy River within recorded history;

WHEREAS, the frequent recurrence of devastating floods along said river over a period of years has caused abject and inexpressible misery and despair to citizens of the area;

WHEREAS, such floods have occasioned not only physical suffering and deprivation but have resulted in loss of or damage to inestimable millions of dollars worth of property;

WHEREAS, the health, safety and general welfare of many citizens of the Commonwealth of Kentucky and adjacent states are in constant danger from future depredation of said river and the economic welfare of every citizen of the surrounding area is affected by such depredations; and

WHEREAS, the damage to be expected from future floods can only be averted or mitigated by a coordinated comprehensive program of flood control along said river;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the Commonwealth of Kentucky, the Senate concurring therein:

Section 1. That the Congress of the United States is urged to act in the exercise of its broad legislative powers to provide a means of flood control along the Big Sandy River and to cause such a program to be put into effect at the earliest possible time.

Section 2. That the Congress act in this regard by making provision for a system of dams and floodwalls along said river and the utilization of any other measures which it deems necessary to accomplish the desired end.

Section 3. That the Clerk of the Senate be and is hereby directed to send copies of this memorial, duly authenticated to the President of the Senate of the United States, the Speaker of the House of Representatives of the United States, to each of the Senators and Representatives from the Commonwealth now serving in the Congress, and to the Secretary of the Interior.

Report of Committees

The Committee on Suffrage and Elections reported **HB 85** with the expression of opinion that the same should pass with Committee amendment attached thereto. Read at length for the first time and ordered placed in the Calendar.

HB 85, AN ACT relating to the conduct of regular elections.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 118.370 of the Kentucky Revised Statutes is amended to read as follows:

(1) The county board of election commissioners shall constitute a board for examining and canvassing the election returns of each county. Any two of the members of the board may constitute the board, but if either member is a candidate, he shall have no voice in the decision of his own case. If, from any cause, two of the members of the board cannot act, in whole or in part, in examining and canvassing the returns, their places shall be supplied as in the case of vacancies in the board.

(2) The county clerk shall assist the county board of election commissioners, and shall act as its clerk in the counting and certifying

of the ballots and the results of the election, for which he shall receive compensation to be allowed by the fiscal court. The board may employ, at county expense, such clerical help as it deems necessary to make the count.

(3) The county board of election commissioners shall meet for the purpose of counting the ballots, issuing certificates and making a report, at 6 p.m. on the day of election, in the office of the county clerk or in some other room designated by the board. The board shall proceed as speedily as practicable to count the ballots of every precinct in the county. At the finish of each precinct, the board shall announce the results at the door of the room where the count is being conducted, and shall fill out the blank in the back of the stub book provided for that purpose, and each commissioner shall sign the blank in the proper place. The board shall remain in session for the purpose of ascertaining the results of the election until midnight on the election day, and if the count is not then completed, it may then adjourn until the following day at 8 a.m., unless the following day is a Sunday, in which case it shall adjourn until 8 a.m. on the day following the Sunday. If the day following the election is a legal holiday, the board may adjourn until 8 a.m. on the day following the legal holiday. On the adjourned day the board shall remain in session, if necessary to complete the count, until 6 p.m., or longer in its discretion. If the count is not then completed, the board shall reconvene so that the count is completed within a period of not more than one week from the day on which the election was held, and in no event shall the count take longer than one week.

(4) Any person who is a candidate for office at the election may, by oral request, obtain the final results from said board, and if said results are not completed by the board, as provided in Subsection (3), the candidate may by written request to the county or Commonwealth's attorney, or by an attorney of his own choosing, have the Commonwealth's attorney or the attorney of his own choice proceed with a mandamus action against said board members in the circuit court of the district to compel the board to complete the count.

(5) The county clerk shall provide a large sheet upon which to tabulate the vote of the whole county and of each district or city, so that each candidate can ascertain the number of votes cast for him in each precinct and the total number cast for him in the election unit. If any ballots are found mutilated, defaced, marked, spoiled or otherwise questionable so that they are of doubtful integrity, the board shall write on each such ballot whether it has been counted, and if so, for whom, and shall then place them in an envelope to be provided by the county clerk, and seal it.

The Committee on Ways and Means reported **HB 27**, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 27, AN ACT relating to trading stamps in retail transactions, and a license tax therefor.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. For each store where trading stamps are used, a license fee of one dollar per annum per each one hundred dollars or fractional part thereof of gross receipts of the store in the preceding year is imposed, but in no case shall the fee be less than one hundred dollars, nor more than six thousand four hundred dollars. As used in this section, "store" includes any place where goods, wares, merchandise, or services are retailed to the general public, and if such place extends beyond the limit of a city block, then each such place in separate blocks shall constitute a separate store; and "trading stamps" includes any stamps, coupons, tickets, certificates, cards or other similar devices that upon surrender or redemption with or without accompanying cash entitle the purchaser or person receiving the same with the sale of goods, wares, merchandise, or services as a possible trade inducement or otherwise to receive other goods, wares, merchandise, services or cash from the seller or from a third party. However, an offer made or endorsed by the manufacturer from, as a part of, or within the original wrapped package or container in which goods are sold, of a premium or a reward for the return to the manufacturer of such goods, or to any dealer in such goods, of all or any part of that label or container, or any coupon placed in or attached to such label or container, is not a trading stamp.

Section 2. This Act shall be subject to the provisions of KRS 137.040.

The Committee on Municipal and County Government reported **HB 112** and **HB 111** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 112, AN ACT changing the classification of the city of Carlisle in Nicholas County.

WHEREAS, satisfactory information has been presented to the General Assembly that the population of the city of Carlisle, in Nicholas County, is such as to justify its being classified as a city of the fourth class.

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the city of Carlisle, in Nicholas County, is transferred from the fifth to the fourth class of cities.

HB 111, AN ACT changing the classification of the City of Lynnview in Jefferson County.

WHEREAS, satisfactory information has been presented to the General Assembly that the population of the City of Lynnview, in Jefferson County, is such as to justify its being assigned to the fifth class of cities.

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the City of Lynnview, in Jefferson County, is hereby transferred from the sixth to the fifth class of cities.

The Committee on Suffrage and Elections reported **HB 56** with the expression of opinion that the same should not pass.

The Committee on Ways and Means reported **HB 33** with the expression of opinion that the same should not pass.

The Committee on Ways and Means reported **HB 35** with the expression of opinion that the same should pass with the Committee amendment attached thereto. Read at length for the first time and ordered placed in the Calendar.

HB 35, AN ACT relating to the standard of time.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 2.160 of the Kentucky Revised Statutes is amended to read as follows:

(1) The standard time fixed and prescribed for the Commonwealth of Kentucky by Act of Congress or by order of the Interstate Commerce Commisison shall apply to and govern all laws, regulations and rules relating to the time of performance of any act by any officer or department of the Commonwealth, or of any county, city or subdivision or agency thereof, or relating to the time that any right shall accrue or determine, or within which any act shall or shall not be performed by any person subject to the jurisdiction of the Commonwealth, and in all the public schools and institutions of the Commonwealth and on the public works of the Commonwealth or any county, city or district thereof, or in all contracts or choses in action made or to be performed in the Commonwealth.

(2) No person, firm or corporation operating or maintaining a place of business of any kind shall employ, display, or maintain any other standard of time than that provided in this section. No radio or television station doing business in the Commonwealth shall operate on, announce, employ, or maintain any other standard of time.

Section 2. Any person who violates KRS 2.160 shall be fined not less than twenty-five dollars not more than five hundred dollars, or imprisoned not less than ten days not more than thirty days, or both. Each day of such violation shall be a separate offense.

Representative Gullette moved to amend **HB 35** as follows:

Amend printed copy of **HB 35** on page 2, Subsection (2), lines 16-25. Delete Subsection (2) in its entirety.

Calendar

HR 13, HB 10, HB 12, HB 16, HB 23, HB 44, HB 94, HB 133 were taken from the Calendar and ordered read at length for the second time. Ordered placed in the Orders of the Day.

Reference of Bills

The Speaker announced referral of the following bills and resolutions:

Agriculture and Conservation: **HB 143, HB 167, HB 175, HR 24.**

Appropriations and Revenues: **HB 140, HB 149, HB 151, HB 152, HB 157, HB 158, HB 163, HB 165, HR 15, HR 16, HR 17, HR 26.**

Banking and Insurance: **HB 181.**

Claims: **HR 18.**

Education: **HB 156, HB 168, HB 169.**

Health and Welfare: **HB 144, HB 177.**

Judiciary, Executive and Legislative Affairs: **HB 164, HR 27.**

Labor and Industry: **HB 146, HB 159, HB 160, HB 173, HB 178, HB 179.**

Municipal and County Government: **HB 141, HB 142, HB 147, HB 155, HB 161.**

Public Utilities: **HB 166.**

Suffrage, Elections and Constitutional Amendments: **HB 138, HB 148, HB 150, HB 154.**

Transportation and Highways: **HB 174, HB 180.**

Ways and Means: **HB 139, HB 145, HB 153, HB 162, HB 170, HB 171, HB 172, HB 176.**

Orders of the Day

Representative Everett moved that **HR 11** be taken from its regular place in Orders of the Day and placed on passage.

On roll call, the vote was yeas 43—Bartley, Billington, Brown, Buchanan, Buckner, Burress, Bush, Chaudoin, Clore, Coffey, Combs, Cottengim, W. F. Davis, Dempsey, Duff, Everett, Farmer, Finney, Fitzpatrick, Gullette, Hahn, Hale, Hart, Henry, Isler, H. N. Johnson, Kincer, Kubale, McReynolds, Newberry, Qualls, Ratcliffe, Rayburn, Reed, C. R. Reynolds, Smith, Sowards, Stith, Tinsley, S. R. Thomas, Weintraub, Whitehead, Young. Nays 37—Bach, Barton, Baumgardner, Breckinridge, Burke, Casey, E. Cook, M. W. Cook, Bill Cornett, Crecelius, P. F. Davis, Ford, Greene, Haley, Hall, Hinkle, Hislope, Huddleston, Kingsbury, Lovelace, Lowman, Lyon, McCallum, McGuire, Mackey, Nunn, Ockerman, Peace, Ray, Rayburn, Render, Searcy, Steiger, Walsh, Wells, Williams, Wilson.

The motion lost for lack of Constitutional majority and **HR 11** retained its regular place in Orders of the Day.

HB 5 taken from Orders of the Day. Representative Everett moved it be placed on passage. Agreed.

Representative Isler moved that **HB 5** be placed on the Clerk's desk. Agreed.

HR 22 taken from Orders of the Day. Representative Everett moved that it be read for the third time by title only and placed on passage. Agreed.

On roll call, the vote was yeas 73—Arnold, Bach, Bartley, Barton, Baumgardner, Billington, Buchanan, Buckner, Burke, Burress, Bush, Casey, Chaudoin, Clore, Coffey, Combs, E. E. Cook, Bill Cornett, Cottengim, Crecelius, P. F. Davis, W. F. Davis, Dempsey, Duff, Everett, Farmer, Fields, Finney, Fitzpatrick, Ford, Greene, Gullette, Hahn, Hale, Haley, Hart, Hinkle, Hodges, Hopkins, Isler, Kincer, Kubale, Lovelace, Lyon, McCallum, McGuire, McReynolds, Mackey, Moore, Newberry, Nunn, Ockerman, Qualls, Ratcliffe, Rausch, Raybourne, Rayburn, Reed, Render, C. R. Reynolds, Searcy, Smith, Sowards, Steiger, Stith, Tinsley, Ed Thomas, S. R. Thomas, Wathen, Willen, Williams, Wilson, Young. Nays 3—M. W. Cook, Ray, Wells.

HR 22 was passed and the title agreed to.

HR 9 taken from Orders of the Day. Representative Everett moved that it be read for the third time by title only and placed on passage. Agreed.

Representative Marlow Cook moved that **HR 9** be laid on the Clerk's desk, seconded by Representative Ockerman. Agreed.

HB 15 taken from Orders of the Day. Representative Everett moved that it be read for the third time by title only and placed on passage. Agreed.

On roll call, the vote was yeas 85—Arnold, Bach, Bartley, Barton, Billington, Breckinridge, Brown, Buchanan, Burke, Burress, Bush, Casey, Chaudoin, Clore, Combs, E. E. Cook, M. W. Cook, Bill Cornett, Cottengim, Crecelius, P. F. Davis, W. F. Davis, Dempsey, Duff, Everett, Farmer, Fields, Finney, Fitzpatrick, Ford, Greene, Gullette, Hahn, Hale, Haley, Hall, Hart, Henry, Hinkle, Hislope, Hodges, Hopkins, Huddleston, Isler, H. N. Johnson, Kincer, Kingsbury, Lovelace, Lowman, Lyon, McCallum, McReynolds, Mackey, Moore, Newberry, Nunn, Ockerman, Parrish, Peace, Qualls, Ratcliffe, Rausch, Ray, Raybourne, Rayburn, Reed, Render, C. R. Reynolds, Searcy, Smith, Sowards, Steiger, Stith, Tanner, Tinsley, Ed Thomas, S. R. Thomas, Walsh, Wathen, Wells, Whitehead, Willen, Williams, Wilson, Young. Nays 0.

HB 15 was passed and the title agreed to.

Representative Lowman moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

HR 11 taken from Orders of the Day. Representative Everett moved that it be read for the third time by title only and placed on passage. Agreed.

On roll call, the vote was yeas 78—Arnold, Bach, Bartley, Baumgardner, Brown, Buchanan, Burke, Burress, Bush, Casey, Chaudoin, Clore, Combs, E. E. Cook, M. W. Cook, Bill Cornett, Cottengim, Crecelius, P. F. Davis, W. F. Davis, Dempsey, Duff, Everett, Farmer, Fields, Finney, Fitzpatrick, Greene, Gullette, Hahn, Hale, Haley, Hall, Hart, Henry, Hinkle, Hislope, Hodges, Huddleston, Isler, Kincer, Kingsbury, Kubale, Lovelace, Lowman, Lyon, McReynolds, Mackey, Moore, Newberry, Parrish, Qualls, Ratcliffe, Rausch, Ray, Raybourne, Rayburn, Reed, Render, C. R. Reynolds, R. Reynolds, Searcy, Smith, Sowards, Steiger, Stith, Tanner, Tinsley, Ed Thomas, S. R. Thomas, Walsh, Wathen, Wells, Whitehead, Willen, Williams, Wilson, Young. Nays 2—Breckinridge, Ford.

HR 11 passed and the title agreed to.

Representative Everett moved that the vote by which said bill was passed be reconsidered and said motion laid on the table. Agreed.

HB 60 taken from Orders of the Day. Representative Everett moved that it be read by title only for the third time and placed on passage. Agreed.

On roll call, the vote was yeas 73—Arnold, Bach, Bartley, Baumgardner, Billington, Breckinridge, Brown, Buchanan, Buckner, Burke, Burress, Bush, Casey, Chaudoin, Clore, Coffey, Combs, E. E. Cook, M. W. Cook, Bill Cornett, Cottengim, Crecelius, W. F. Davis, Dempsey, Duff, Everett, Farmer, Fields, Fitzpatrick, Ford, Greene, Gullette, Hahn, Hale, Haley, Hall, Hart, Hinkle, Hislope, Hodges, Hopkins, Isler, Kincer, Kingsbury, Kubale, Lovelace, Lyon, McCallum, McGuire, McReynolds, Mackey, Newberry, Nunn, Ockerman, Parrish, Peace, Qualls, Rausch, Ray, Raybourne, Render, C. R. Reynolds, Smith, Steiger, Stith, Tanner, Tinsley, Walsh, Wells, Whitehead, Willen, Wilson, Young. Nays 0.

HB 60 was passed and the title agreed to.

Representative Everett moved that the vote by which said bill was passed be reconsidered and said motion laid on the table. Agreed.

HB 42 taken from Orders of the Day. Representative Everett moved that it be read by title only for the third time and placed on passage. Agreed.

On roll call, the vote was yeas 67—Arnold, Bach, Barton, Baumgardner, Breckinridge, Burke, Burress, Bush, Casey, Chaudoin, Clore, Coffey, Combs, M. W. Cook, Bill Cornett, Cottengim, Crecelius, W. F. Davis, Everett, Farmer, Fields, Finney, Greene, Gullette, Hahn, Hale, Haley, Hall, Henry, Hinkle, Hislope, Hodges, Hopkins, Isler, Kincer, Kingsbury, Kubale, Lovelace, Lyon, McGuire, Mackey, Newberry, Nunn, Ockerman, Parrish, Peace, Qualls, Ratcliffe, Rausch, Ray, Raybourne, Rayburn, Reed, Render, C. R. Reynolds, Searcy, Smith, Soward, Stith, Tanner, Tinsley, S. R. Thomas, Walsh, Whitehead, Willen, Williams, Wilson. Nays 0.

HB 42 was passed and the title agreed to.

Representative Everett moved that the vote by which said bill was passed be reconsidered and said motion laid on the table. Agreed.

HB 21 taken from Orders of the Day. Representative Everett moved that it be read by title only for the third time and placed on passage. Agreed.

Representative McGuire moved to amend **HB 21** as follows:

Amend printed copy of **HB 21** on page 1, section 1, line 4 delete the word "forty" following the word "exceed" and immediately preceding the word "days" in line 4 and substitute in lieu thereof the word "sixty."
Adopted.

HB 21 as amended read at length for the third time.

On roll call, the vote was yeas 82—Arnold, Bach, Bartley, Barton, Baumgardner, Billington, Breckinridge, Brown, Buchanan, Buckner, Burke, Burress, Bush, Casey, Chaudoin, Clore, Coffey, Combs, E. E. Cook, M. W. Cook, Bill Cornett, Cottengim, Crecelius, P. F. Davis, W. F. Davis, Dempsey, Duff, Farmer, Fields, Finney, Fitzpatrick, Ford, Greene, Gullette, Hahn, Hale, Haley, Hall, Hart, Henry, Hinkle, Hislope, Hodges, Hopkins, Huddleston, Isler, H. N. Johnson, Kincer, Kingsbury, Kubale, Lovelace, Lowman, Lyon, McGuire, McReynolds, Mackey, Moore, Newberry, Nunn, Ockerman, Peace, Ratcliffe, Rausch, Ray, Raybourne, Render, R. Reynolds, Searcy, Smith, Sowards, Steiger, Stith, Tanner, Tinsley, Ed Thomas, S. R. Thomas, Walsh, Whitehead, Willen, Williams, Wilson, Young. Nays 0.

HB 21 was passed and the title agreed to.

Representative Everett moved that the vote by which said bill was passed be reconsidered and said motion laid on the table. Agreed.

HB 67 taken from Orders of the Day. Representative Everett moved that it be read by title only for the third time and placed on passage. Agreed.

Representative Stith moved to amend **HB 67** as follows:

Amend printed copy of **HB 67** on page 1, lines 7, 8 and 9. Delete the words: "or any cooperative corporation organized under the laws of any other state and qualified to do business as an agricultural cooperative in the state,"

Adopted.

HB 67 as amended read at length for the third time.

On roll call, the vote was yeas 81—Arnold, Bach, Bartley, Barton, Baumgardner, Billington, Breckinridge, Brown, Buchanan, Burke, Bush, Casey, Chaudoin, Clore, Coffey, Combs, E. E. Cook, M. W. Cook, Bill Cornett, Cottengim, Crecelius, P. F. Davis, W. F. Davis, Dempsey, Duff, Everett, Farmer, Fields, Finney, Fitzpatrick, Ford, Greene, Gullette, Hahn, Hale, Haley, Hart, Henry, Hinkle, Hislope, Hodges, Hopkins, Isler, H. N. Johnson, Kincer, Kingsbury, Kubale, Lyon, McCallum, McGuire, McReynolds, Mackey, Moore, Newberry, Ockerman, Parrish, Peace, Qualls, Ratcliffe, Rausch, Ray, Raybourne, Reed, Render, C. R. Reynolds, R. Reynolds, Searcy, Smith, Sowards, Steiger, Stith, Tanner, Tinsley, Ed Thomas, Walsh, Wells, Whitehead, Willen, Williams, Wilson, Young. Nays 0.

HB 67 was passed and the title agreed to.

Representative Everett moved that the vote by which said bill was passed be reconsidered and said motion laid on the table. Agreed.

HB 49 was taken from Orders of the Day. Representative Everett moved that it be read for the third time by title only and placed on passage. Agreed.

Representative Williams moved to amend **HB 49** as follows:

Amend printed copy of **HB 49** on page 1, line 6 by inserting before the word "Court" the words: "Juvenile session of the county." Adopted.

Representative Williams moved to amend **HB 49** as follows:

Amend printed copy of **HB 49** on page 1, line 8 by adding after words "motor vehicle," the sentence: "Juvenile offenders accused of motor vehicle offenses shall be treated as any adult offender."

Adopted.

HB 49 as amended read at length for the third time.

On roll call, the vote was yeas 73—Arnold, Bach, Bartley, Barton, Baumgardner, Billington, Brown, Buchanan, Buckner, Burke, Burress, Bush, Casey, Chaudoin, Clore, Coffey, Combs, E. E. Cook, M. W. Cook, Bill Cornett, Cottengim, Crecelius, P. F. Davis, W. F. Davis, Dempsey, Duff, Farmer, Finney, Fitzpatrick, Ford, Greene, Gullette, Hahn, Hale, Hart, Hinkle, Hopkins, Huddleston, Isler, H. N. Johnson, Kingsbury, Lovelace, Lyon, McGuire, McReynolds, Mackey, Moore, Newberry, Nunn, Parrish, Peace, Qualls, Ratcliffe, Rausch, Ray, Raybourne, Render, C. R. Reynolds, Searcy, Smith, Sowards, Steiger, Stith, Tanner, Tinsley, Ed Thomas, Walsh, Wells, Whitehead, Willen, Williams, Wilson, Young. Nays 1—Breckinridge.

HB 49 was passed and the title agreed to.

Representative Everett moved that the vote by which said bill was passed be reconsidered and said motion laid on the table. Agreed.

HB 119 taken from Orders of the Day. Representative Everett moved that it be read by title only for the third time and placed on passage. Agreed.

On roll call, the vote was yeas 79—Arnold, Bach, Barton, Baumgardner, Billington, Breckinridge, Brown, Buchanan, Burke, Burress, Bush, Casey, Chaudoin, Clore, Coffey, Combs, E. E. Cook. M. W. Cook, Bill Cornett, Cottengim, Crecelius, P. F. Davis, Dempsey, Duff, Everett, Farmer, Fields, Finney, Fitzpatrick, Ford, Greene, Gullette, Hahn, Hale, Hall, Hart, Henry, Hislope, Hodges, Hopkins, Huddleston, Isler, H. N. Johnson, Kincer, Kingsbury, Kubale, Lowman, Lyon, McCallum, McGuire, Mackey, Moore, Newberry, Nunn, Ockerman, Parrish, Peace, Qualls, Ratcliffe, Rausch, Ray, Raybourne, Reed, Render, C. R. Reynolds, Searcy, Smith, Sowards, Steiger, Stith, Tanner, S. R. Thomas, Walsh, Wells, Whitehead, Willen, Williams, Wilson, Young. Nays 0.

HB 119 was passed and the title agreed to.

Representative Everett moved that the vote by which said bill was passed be reconsidered and said motion laid on the table. Agreed.

Introductions

The following Bills and Resolutions were introduced:

HR 31, by Representative Orvin G. Coffey, A JOINT RESOLUTION authorizing civil action against the Commonwealth of Kentucky and the Department of Highways, or either, in the interest of M. C. Webb and Sadie Webb, his wife.

HR 33, by Representatives Chaudoin, Casey, A CONCURRENT RESOLUTION authorizing and directing inspection of all penal and mental institutions operated by the Commonwealth; inquiry into the affairs, activities and management of such institutions; and providing for a special committee and funds therefor.

HR 34, by Representatives Lovelace, McReynolds, A RESOLUTION directing the Legislative Research Commission to study education methods relative to exceptional children.

HB 182, by Representatives Ray, Anderson, Burke, Rausch, Farmer, Steiger, Baumgardner, Walsh, Crecelius, AN ACT relating to metropolitan sewer districts and the construction and maintenance of facilities for surface drainage at cost of benefited property and amending Chapter 76 of the Kentucky Revised Statutes.

HB 183, by Representatives Ray, Anderson, Burke, Rausch, Farmer, Steiger, Baumgardner, Walsh, Crecelius, AN ACT relating to parks, playgrounds, and recreation centers in cities and counties.

HB 184, by Representatives Ray, Steiger, Baumgardner, Walsh, Crecelius, Rausch, Farmer, Burke, Anderson, AN ACT relating to county forests.

HB 185, by Representatives Ray, Steiger, Baumgardner, Walsh, Crecelius, Farmer, Rausch, Burke, Anderson, AN ACT relating to Metropolitan Sewer Districts and the construction of sewer or drainage facilities at cost of benefited property and amending Chapter 76 Kentucky Revised Statutes.

HB 186, by Representative Isler, AN ACT relating to deadly weapons.

HB 187, by Representative Tinsley, AN ACT changing the classification of the City of Florence, in Boone County, Kentucky.

HB 188, by Representative Breckinridge, AN ACT providing for the conduct of public business in public.

HB 189, by Representative Breckinridge, AN ACT relating to the Department of Mental Health.

HB 190, by Representatives Breckinridge, Ockerman, AN ACT relating to Planning and Zoning.

HB 191, by Representative Fitzpatrick, AN ACT relating to motor vehicle registration.

HB 192, by Representative Hall, AN ACT providing for the payment of a bonus to veterans of World War II, including the Korean Conflict.

HB 193, by Representative Lowman, AN ACT relating to sheriffs.

HB 194, by Representative Everett, AN ACT relating to fees and compensation to be received by the Clerk of the Court of Appeals and the Clerks of Circuit Courts and County Courts; amending Section 64.010 of the Kentucky Revised Statutes.

HB 195, by Representatives Mackey, Hinkle, AN ACT relating to purchase of vehicle, equipment, aircraft and personal liability insurance by the Commonwealth of Kentucky, its departments, agencies, boards or commissions.

HB 196, by Representative Kubale, AN ACT relating to city manager form of government; election and term of commissioners, mayor and police judge.

HB 197, by Representatives Hopkins, Hinkle, P. F. Davis, Moore, Clore, Hale, Hislope, Hall, Whitehead, Ford, Render, Bush, Hahn, Crecelius, Searcy, Mackey, Fields, Coffey, Barton, Nunn, Sowards, McReynolds, Arnold, Tanner, E. Thomas, Kincer, S. R. Thomas, Huddleston, Bill Cornett, Wells, Hart, Qualls, Newberry, Bach, AN ACT relating to education.

HB 198, by Representatives S. R. Thomas, Kincer, Parrish, Hinkle, Mackey, AN ACT relating to liability for motor vehicle operation.

Senate Message

Senate message announcing passage of **HR 29.**

Representative Everett moved that the House adjourn until 8:00 p.m., Monday, February 3. Agreed.

MONDAY, FEBRUARY 3, 1958

TWENTY-SECOND LEGISLATIVE DAY

The House was called to order by the Speaker, Mr. Weintraub.

Invocation by the Right Reverend Msgr. Joseph A. O'Dwyer, of the Church of the Good Shepherd, of Frankfort.

The roll was called. All members present except Buckner, Fields, H. Nick Johnson, Huston Johnson, Miller, Willen.

Senate Message

Senate message announcing passage of **SR 32, SB 18 and SB 19.**

Motions

Representative Chaudoin moved that absent members be granted leaves of absence. Agreed.

Reading of the Journal for January 29 dispensed with and same approved on motion of Representative Isler.

Representative Kubale moved that **HB 12** be recommitted to the Committee on Appropriations and Revenues and that a public hearing be held.

On roll call, the vote was yeas 44—Anderson, Bach, Bartley, Billington, Brown, Bush, Chaudoin, Clore, Coffey, Combs, Cottengim, W. F. Davis, Dempsey, Everett, Finney, Fitzpatrick, Gay, Gullette, Hale, Haley, Henry, Hinkle, Hodges, Isler, Kubale, McReynolds, Newberry, Parrish, Qualls, Ratcliffe, Rayburn, Reed, C. R. Reynolds, Richards, Smith, Sowards, Stith, Tinsley, Ed Thomas, S. R. Thomas, Weintraub, Whitehead, Wilson, Wirsch. Nays 43— Arnold, Barton, Baumgardner, Burke, Casey, M. W. Cook, Bill Cornett, P. W. Cornett, Crecelius, P. F. Davis, Farmer, Ford, Greene, Hahn, Hall, Hart, Hislope, Hopkins, Howard, Huddleston, Kingsbury, Lovelace, Lowman, Lyon, McCallum, McGuire, Mackey, Moore, Nunn, Peace, Rausch, Ray, Raybourne, Render, Reynolds, Searcy, Steiger, Tanner, Walsh, Wathen, Wells, Williams, and Young.

Adopted.

Representative Everett moved that **HR 9** be taken from the Clerk's desk and placed on passage. Agreed.

On roll call, the vote was yeas 43—Bach, Bartley, Billington, Brown, Burress, Bush, Casey, Chaudoin, Clore, Coffey, Combs, Cottengim, W. F. Davis, Dempsey, Duff, Finney, Fitzpatrick, Gullette, Hahn, Hale, Haley, Hart, Henry, Hodges, Howard, Isler, Kubale, McReynolds, Newberry, Parrish, Ratcliffe, Reed, C. R. Reynolds, R. Reynolds, Richards, Smith, Sowards, Stith, Tinsley, Ed Thomas, S. R. Thomas, Whitehead, Wirsch. Nays 40—Anderson, Arnold, Barton, Baumgardner, Breckinridge, Buchanan, Burke, E. E. Cook, M. W. Cook, Bill Cornett, P. W. Cornett, Crecelius, Davis, Everett, Ford, Greene, Hislope, Hopkins, Huddleston, Kingsbury, Lovelace, Lowman, Lyon, McCallum, McGuire, Mackey, Moore, Ockerman, Peace, Rausch, Ray, Render, Searcy, Steiger, Tanner, Walsh, Wells, Williams, Wilson, Young.

HR 9 rejected for lack of Constitutional majority.

Representative Everett moved that the vote by which **HR 9** was rejected be reconsidered and placed on the Clerk's desk.

Representative Lowman moved that Mr. Everett's motion be tabled.

On roll call, the vote was yeas 43—Arnold, Barton, Baumgardner, Breckinridge, Buchanan, Burke, Casey, M. W. Cook, Bill Cornett, P. W. Cornett, Crecelius, P. F. Davis, W. F. Davis, Ford, Hall, Hislope, Hopkins, Howard, Huddleston, Kingsbury, Lovelace, Lowman, Lyon, McCallum, McGuire, Mackey, Moore, Nunn, Ockerman, Parrish, Rausch, Ray, Raybourne, Render, Searcy, Smith, Steiger, Tanner, Walsh, Wathen, Wells, Williams, Young. Nays 42—Bach, Bartley, Billington, Brown, Burress, Bush, Chaudoin, Clore, Coffey, Combs, Cottengim, Dempsey, Duff, Everett, Finney, Fitzpatrick, Gay, Greene, Gullette, Hahn, Hale, Haley, Hart, Henry, Hodges, Isler, Kubale, McReynolds, Newberry, Ratcliffe, Reed, C. R. Reynolds, R. Reynolds, Richards, Sowards, Stith, Ed Thomas, S. R. Thomas, Tinsley, Whitehead, Wirsch, Weintraub.

Motion carried, and Representative Everett's motion was tabled.

Representative Everett moved that the House adjourn until 1:00 p.m., February 4.

On roll call, the vote was yeas 38—Bach, Bartley, Brown, Burress, Bush, Chaudoin, Clore, Coffey, Combs, W. F. Davis, Dempsey, Everett, Finney, Fitzpatrick, Greene, Gullette, Hale, Haley, Hart, Henry, Hinkle, Hodges, Isler, Kubale, McReynolds, Newberry, Ratcliffe, Rayburn, Reed, Render, C. R. Reynolds, R. Reynolds, Richards, Smith, Stith, Tinsley, Whitehead, Wilson. Nays 49—Anderson, Arnold, Barton, Baumgardner, Billington, Breckinridge, Burke, Casey, Everett Cook, Marlowe Cook, Bill Cornett, P. W. Cornett, Crecelius, Paul Davis, Farmer, Ford, Hahn, Hall, Hislope, Hopkins, Howard, Huddleston, Kingsbury, Lovelace, Lowman, Lyon, McCallum, McGuire, Mackey, Moore, Nunn, Ockerman, Parrish, Peace, Rausch, Ray, Raybourne, Searcy, Sowards, Steiger, Tanner, Ed Thomas, S. R. Thomas, Walsh, Wathen, Wells, Williams, Wirsch, Young.

Said motion lost.

HR 39, by Representative Kingsbury, A RESOLUTION requesting and directing the Commissioner of the Department of Highways to prepare and distribute a report on the status of the federal inter-state highway program in Kentucky and to outline plans to keep pace with other states in inter-state highway construction.

The Speaker announced that he would refer **HR 39** to a Committee for study.

Calendar

HB 85, HB 27, HB 112, HB 35 and **HB 111** were taken from the Calendar and ordered read at length for the second time. Ordered placed in Orders of the Day.

Orders of the Day

HR 13 taken from Orders of the Day. Representative Everett moved that it be placed on passage. Agreed.

Representative Breckinridge moved to amend **HR 13** as follows:

"Amend printed copy of **HR 13** on Page 1, by adding a fourth paragraph between the last two paragraphs beginning with 'Whereas' to read: 'WHEREAS, a democracy depends upon an appreciation of the humanities; and ' "

Adopted.

HR 13 as amended, read at length for the third time.

On roll call, the vote was yeas 82—Anderson, Bartley, Barton, Baumgardner, Billington, Breckinridge, Brown, Buchanan, Burke, Burress, Bush, Casey, Chaudoin, Clore, Coffey, Combs, E. E. Cook, Bill Cornett, P. W. Cornett, Cottengim, Crecelius, P. F. Davis, W. F. Davis, Dempsey, Duff, Farmer, Finney, Fitzpatrick, Ford, Gay, Greene, Gullette, Hahn, Hale, Haley, Hall, Hart, Henry, Hinkle, Hislope, Hodges, Hopkins, Howard, Huddleston, Isler, Kincer, Lovelace, Lyon, McCallum, McGuire, McReynolds, Mackey, Moore, Newberry, Nunn, Ockerman, Parrish, Peace, Qualls, Ratcliffe, Rausch, Ray, Raybourne, Rayburn, Reed, Render, C. R. Reynolds, R. Reynolds, Richards, Smith, Sowards, Steiger, Stith, Tanner, Tinsley, Ed Thomas, S. R. Thomas, Walsh, Williams, Wilson, Wirsch, Young. Nays 2—Arnold, Wells.

Adopted.

Representative Everett moved that the vote by which said bill was passed be reconsidered and that the motion be laid on the table. Agreed.

HB 10 taken from the Orders of the Day. Representative Ed Thomas moved it be read for the third time by title only and placed on passage.

Representative Huddleston moved that **HB 10** be recommitted to Committee for further study. Motion was rejected.

A roll call was demanded, and the vote was yeas 71—Anderson, Arnold, Bach, Bartley, Billington, Brown, Buchanan, Burress, Bush, Casey, Chaudoin, Clore, Coffey, Combs, E. E. Cook, Bill Cornett, P. W. Cornett, Cottengim, P. F. Davis, W. F. Davis, Dempsey, Duff, Everett, Finney, Fitzpatrick, Gay, Greene, Gullette, Hahn, Hale, Haley, Hall, Hart, Henry, Hinkle, Hodges, Hopkins, Howard, Isler, Kincer, Kingsbury, Kubale, Lovelace, Lowman, Lyon, McCallum, McReynolds, Mackey, Newberry, Peace, Qualls, Ratcliffe, Raybourne, Rayburn, Reed, Render, C. R. Reynolds, R. Reynolds, Richards, Smith, Sowards, Stith, Tanner, Tinsley, Ed Thomas, S. R. Thomas, Weintraub, Whitehead, Wilson, Wirsch, Young. Nays 6—Ford, Huddleston, Nunn, Ockerman, Parrish, Wells.

HB 10 was passed and the title agreed to.

Representative Everett moved that the vote by which said bill was passed be reconsidered and that the motion be laid on the table. Agreed.

Representative Ockerman announced that had he voted on **HB 10** he would have voted "Aye," and requested that it be so stated in the Journal.

HB 16 taken from Orders of the Day. Representative Everett moved that it be placed on passage. Agreed.

Representative Williams moved to amend **HB 16** as follows:

Amend printed copy of **HB 16** on page 2, line 26 by changing the words: "by registered mail" to read: "by registered or certified mail"

Adopted.

Representative Williams moved to amend **HB 16** as follows:

Amend printed copy of **HB 16** on page 2, line 23 by changing the words: "The officer shall" to read: "The officer may"

Adopted.

HB 16 as amended, read at length for the third time.

On roll call, the vote was yeas 89—Anderson, Arnold, Bach, Bartley, Barton, Baumgardner, Billington, Breckinridge, Brown, Buchanan, Burke, Burress, Bush, Casey, Chaudoin, Clore, Coffey, Combs, E. E. Cook, M. W. Cook, Bill Cornett, P. W. Cornett, Cottengim, Crecelius, P. F. Davis, W. F. Davis, Dempsey, Duff, Everett, Farmer, Finney, Fitzpatrick, Ford, Gay, Greene, Gullette, Hahn, Hale, Haley, Hall, Hart, Henry, Hinkle, Hislope, Hodges, Hopkins, Howard, Huddleston, Isler, Kincer, Kubale, Lovelace, Lowman, Lyon, McCallum, McGuire, McReynolds, Mackey, Moore, Newberry, Nunn, Parrish, Peace, Qualls, Ratcliffe, Rausch, Ray, Raybourne, Rayburn, Reed, Render, C. R.

Reynolds, R. Reynolds, Richards, Searcy, Smith, Sowards, Steiger, Tinsley, Ed Thomas, S. R. Thomas, Walsh, Wathen, Wells, Whitehead, Williams, Wilson, Wirsch, Young. Nays 0.

HB 16 was passed and the title agreed to.

HB 23 taken from Orders of the Day. Representative Everett moved that it be placed on passage. Agreed.

Representative Williams moved to amend **HB 23** as follows:

Amend printed copy of **HB 23** on page 1, lines 7 and 8 by deleting the words: "who reside outside the corporate limits of the city in which the court sits,"

Adopted.

Representative Stith moved to amend **HB 23** as follows:

Amend printed copy of **HB 23** on page 2, section 1, lines 16, 17, 18, 19, 20, 21, 22, 23, 24 and 25.

Delete subsections 3 and 4 of Section 1, lines 16, 17, 18, 19, 20, 21, 22, 23, 24, and 24 in their entirety and substitute in lieu thereof the words and figures

"(3) In courts inferior to the circuit court, jurors shall be paid three dollars per day for each day of service."

Adopted.

HB 23 as amended read at length for the third time.
On roll call, the vote was yeas 60—Anderson, Bach, Barton, Baumgardner, Breckinridge, Buchanan, Burke, Burress, Casey, Chaudoin, Clore, Coffey, Combs, Bill Cornett, P. W. Cornett, Cottengim, Crecelius, P. F. Davis, W. F. Davis, Dempsey, Duff, Farmer, Finney, Fitzpatrick, Ford, Gay, Greene, Hahn, Hale, Haley, Hall, Hart, Henry, Hinkle, Hodges, Hopkins, Isler, Kincer, Kubale, McCallum, McGuire, McReynolds, Newberry, Peace, Qualls, Rausch, Render, C. R. Reynolds, R. Reynolds, Richards, Smith, Sowards, Steiger, Stith, Ed Thomas, Walsh, Wathen, Williams, Wilson, Wirsch. Nays 19—Arnold, Bartley, Brown, E. E. Cook, Gullette, Howard, Huddleston, Kingsbury, Lovelace, Mackey, Moore, Nunn, Parrish, Ratcliffe, Raybourne, Searcy, S. R. Thomas, Wells, Whitehead.

HB 23 was passed and the title agreed to.

HB 44 taken from Orders of the Day, and ordered read for the third time by title only, and placed on passage.

Representative Ockerman moved that action on **HB 44** be deferred and that it retain its position in Orders of the Day. Agreed.

HB 94 taken from Orders of the Day and was read for the third time by title only.

Representative Ockerman moved that action on **HB 94** be deferred and that it retain its position in Orders of the Day.

Introductions

The following Bills and Resolutions were introduced:

HB 199, by Representative Tanner, AN ACT relating to compensation for public office or employment and a penalty for certain payments thereof.

HB 200, by Representative McGuire, AN ACT relating to policemen in second class cities.

HB 201, by Representative McGuire, AN ACT relating to fire departments in second class cities.

HB 202, by Representative Kubale, AN ACT relating to social security, extending coverage to certain state schools.

HB 203, by Representative Hahn, AN ACT authorizing the appointment of an Assistant Attorney General for the Department of Education.

HB 204, by Representatives McCallum, Williams, Steiger, Baumgardner, Crecelius, Ray, AN ACT relating to primary elections.

HB 205, by Representative Isler, AN ACT relating to holidays.

HB 206, by Representative Hale, AN ACT relating to gas pipeline companies.

HB 207, by Representatives Ratcliffe, Tinsley, Ockerman, Henry, AN ACT relating to public accounting in county government.

HB 208, by Representative Everett, AN ACT to provide for the coverage of certain officers and employes of the state and local governments, the political subdivisions and agencies thereof, and interstate instrumentalities, and the dependents and survivors of such officers and employes, under the Old-Age and Survivors Insurance provisions of Title II of the Federal Social Security Act, as amended.

HB 209, by Representatives E. Thomas, Weintraub, AN ACT relating to agricultural research.

HB 210, by Representative E. Thomas, AN ACT relating to real estate brokers and salesmen.

HB 211, by Representatives Reed, Greene, Cottengim, AN ACT relating to state mileage allowances.

HB 212, by Representative Lyon, AN ACT relating to littering of highways.

HB 213, by Representative Stith, AN ACT relating to hunting on Sunday.

HB 214, by Representative Cottengim, AN ACT relating to boat regulation.

HB 215, by Representative Everett, AN ACT relating to public assistance appeal board decisions.

HB 216, by Representative Everett, AN ACT relating to the support of indigent persons.

HB 217, by Representative Everett, AN ACT relating to facilities for caring for public assistance recipients.

HB 218, by Representative Everett, AN ACT relating to the recovery of public assistance moneys obtained through fraud.

HB 219, by Representative E. Thomas, AN ACT relating to payment of compensation for state employment.

HB 220, by Representative Gullette, AN ACT pertaining to county courts and juvenile sessions thereof.

HB 221, by Representative Henry, AN ACT relating to State Fair livestock judges.

HB 222, by Representatives P. W. Cornett, Qualls, Peace, C. R. Reynolds, Hale, Dempsey, AN ACT relating to trucking regulation.

HB 223, by Representatives Gullette, Williams, AN ACT relating to venue of civil actions.

HB 224, by Representatives Hinkle, Mackey, AN ACT relating to veterans' fishing licenses.

HB 225, by Representatives Hinkle, Mackey, AN ACT relating to motor vehicle operation.

HB 226, by Representative Wathen, AN ACT relating to fishing.

HB 227, by Representative Fitzpatrick, AN ACT relating to local public health.

HB 228, by Representatives Buchanan, Peace, AN ACT relating to annexation by third class cities.

HB 229, by Representative Cottengim, AN ACT relating to punishment.

HR 35, by Representatives M. W. Cook, Ray, A RESOLUTION directing the House Committee on Judiciary, Executive and Legislative Affairs to investigate the number of employees, their compensation and duties, of the 1958 Regular Session of the General Assembly.

HR 36, by Representatives Buchanan, Young, Kubale, A JOINT RESOLUTION authorizing civil action against the Commonwealth of Kentucky, Department of Revenue, in the interest of William E. Scent.

HR 37, by Representatives Render, Stith, A JOINT RESOLUTION requesting and petitioning the Department of Fish and Wildlife Resources to fix the quail season.

HR 38, by Representative Henry, A JOINT RESOLUTION directing a study of the advisability of a state hospital for alcoholism, making an appropriation therefor.

HR 39, by Representative Kingsbury, A RESOLUTION requesting and directing the Commissioner of the Department of Highways to prepare and distribute a report on the status of the federal interstate highway program in Kentucky and to outline plans to keep pace with other states in inter-state highway construction.

The Chair recognized Representative Huddleston who moved that the House adjourn until 1:00 p.m., February 4.

On roll call, the vote was yeas 51—Anderson, Arnold, Barton, Baumgardner, Breckinridge, Burke, Burress, Chaudoin, Clore, Coffey, E. E. Cook, M. W. Cook, Bill Cornett, P. W. Cornett, Crecelius, P. F. Davis, Farmer, Fitzpatrick, Ford, Hall, Hislope, Hodges, Hopkins, Howard, Huddleston, Isler, Kincer, Kingsbury, Lovelace, Lowman, McCallum, McGuire, Mackey, Moore, Nunn, Ockerman, Parrish, Rausch, Ray, Raybourne, Render, Searcy, Smith, Steiger, Tanner, Walsh, Wathen, Wells, Williams, Wilson, Young. Nays 40—Bach, Bartley, Billington, Brown, Buchanan, Bush, Casey, Combs, Cottengim, W. F. Davis, Dempsey, Duff, Everett, Finney, Gay, Greene, Gullette, Hale, Haley, Hart, Henry, Hinkle, Kubale, Lyon, McReynolds, Newberry, Qualls, Ratcliffe, Rayburn, Reed, C. R. Reynolds, Russell Reynolds, Richards, Sowards, Stith, E. Thomas, S. R. Thomas, Tinsley, Whitehead, Wirsch.

Agreed.

TUESDAY, FEBRUARY 4, 1958

TWENTY-THIRD LEGISLATIVE DAY

The House was called to order by the Speaker, Mr. Weintraub.

Invocation by the Right Reverend Msgr. Joseph A. O'Dwyer, of the Church of the Good Shepherd, of Frankfort.

The roll was called. All members present except Billington, Buckner, Fields, H. Nick Johnson, Huston Johnson, Miller.

Representative Chaudoin moved that absent members be granted leaves of absence. Agreed.

Representative Lyon moved that the reading of the Journal for February 3 be dispensed with and the same approved. Agreed.

Representative Everett moved that when the House adjourns it do so until 100 p.m., Thursday, February 6. Agreed.

Senate Message

Senate Message announcing passage of **SR 35.**

Motions

Representative Peace moved that public hearings on **HB 12** be set for 8:00 p.m., February 5.

Representative Huddleston moved to amend the previous motion and recess for one hour for public hearing on **HB 12.**

Motion rejected.

On roll call for Representative Peace's motion, the vote was yeas 40—Arnold, Barton Burke, M. W. Cook, Bill Cornett, P. W. Cornett, Crecelius, P. F. Davis, W. F. Davis, Ford, Gay, Greene, Hahn, Hall, Hislope, Hopkins, Howard, Huddleston, Kingsbury, Lovelace, Lowman, Lyon, McCallum, McGuire, Mackey, Moore, Nunn, Ockerman, Peace, Rausch, Ray, Raybourne, C. R. Reynolds, R. Reynolds, Searcy, Tanner, Wathen, Wells, Williams, Young. Nays 49—Bach, Bartley, Baumgardner, Billington, Brown, Buchanan, Burress, Bush, Casey, Chaudoin, Clore, Coffey, Combs, E. E. Cook, Cottengim, Dempsey, Duff, Everett, Finney, Fitzpatrick, Gullette, Hale, Haley, Hart, Henry, Hinkle, Hodges, Isler, Kincer, Kubale, McReynolds, Newberry, Parrish, Qualls, Ratcliffe, Rayburn, Reed, Render, Richards, Smith, Sowards, Stith, E. Thomas, S. R. Thomas, Tinsley, Whitehead, Willen, Wilson, Wirsch.

Motion was rejected.

Representative Ockerman moved that **HB 94** be recommitted to the Committee on Judiciary, Executive and Legislative Affairs.

On roll call, the vote was yeas 29—Arnold, Breckinridge, Burke, M. W. Cook, Bill Cornett, P. W. Cornett, Crecelius, P. F. Davis, Farmer, Ford, Hall, Hislope, Huddleston, Kingsbury, Lowman, Mc-

Callum, Mackey, Moore, Ockerman, Parrish, Peace, Ray, Raybourne, C. R. Reynolds, Searcy, Steiger, Wathen, Wells, Willen. Nays 54—Bach, Bartley, Billington, Brown, Buchanan, Burress, Bush, Casey, Chaudoin, Clore, Coffey, Combs, E. E. Cook, Cottengim, W. F. Davis, Dempsey, Duff, Everett, Finney, Fitzpatrick, Gay, Gullette, Hahn, Hale, Haley, Hart, Henry, Hinkle, Hodges, Isler, Kincer, Kubale, Lovelace, Lyon, McGuire, McReynolds, Newberry, Nunn, Qualls, Ratcliffe, Rayburn, Reed, R. Reynolds, Richards, Smith, Sowards, Stith, E. Thomas, S. R. Thomas, Tinsley, Whitehead, Williams, Wilson, Wirsch.

Motion was rejected.

Representative Fitzpatrick moved that the Rules be suspended for the purpose of announcing Committee meetings. Agreed.

Representative Hislope moved for adoption of **HR 40.** Adopted.

HR 40, A CONCURRENT RESOLUTION extending to General Douglas MacArthur an invitation to address a joint session of the Kentucky General Assembly.

WHEREAS, General Douglas MacArthur, soldier, scholar, statesman and man of letters, has by virtue of outstanding service to our beloved nation, earned the undying gratitude and respect of the citizens thereof, and

WHEREAS, General MacArthur has steadfastly remained true to his convictions, even at the cost of his career, and

WHEREAS, General MacArthur has never hesitated to speak boldly and forcefully in favor of honesty and truth, and has a special interest in the preservation of our American way of life, and

WHEREAS, Kentuckians take a special pride in the exhibition of such sterling traits of character,

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That General Douglas MacArthur be and is hereby invited to address a joint session of the General Assembly of the Commonwealth of Kentucky at his convenience before the present regular session adjourns sine die.

Section 2. That the Clerk of the Senate cause a copy of this resolution to be presented to the said General Douglas MacArthur.

Representative Williams moved that the vote by which **HB 23** was passed be reconsidered.

The Clerk advised the House that **HB 23** had been delivered to the Senate.

Representative Williams moved that the House request the Senate to return **HB 23** to the House. Agreed.

Representative Greene moved the adoption of **HR 42.** Adopted.

HR 42, A CONCURRENT RESOLUTION memorializing Congress to make possible the canalization of the Big Sandy River and tributaries.

WHEREAS, the economy of the eastern region of Kentucky has suffered continuously and grieviously by reason of the lack of economical and readily available means of transporting products of the area to market centers;

WHEREAS, such depression in the economy not only causes hardship to citizens of the area but affects citizens of surrounding areas comprising parts of sister states;

WHEREAS, such region abounds in natural resources and would if proper and adequate means of transportation were made available offer numberless and highly attractive sites for establishment and relocation of industrial plants;

WHEREAS, the industrialization of the area is an absolute necessity to any appreciable improvement in economic conditions;

WHEREAS, it appears the only practicable means of establishing adequate and economic transportation is through the utilization of existing waterways, namely the Big Sandy River and its tributaries;

WHEREAS, such river can only be made serviceable for more than very limited transportation by its being deepened and widened to an extent sufficient to permit passage of watercraft of heavy tonnage in volume; and

WHEREAS, the completion of a realistic and extensive program of canalization of the Big Sandy River and its tributaries would be of inestimable benefit to the citizens of the area and of the entire Commonwealth of Kentucky and proportionately to the eastern part of the nation;

NOW, THEREFORE,

Be it Resolved by the House of Representatives of the Commonwealth of Kentucky, the Senate concurring therein:

Section 1. That the Congress of the United States by the exercise of its legislative powers bring about the canalization of the Big Sandy River and its tributaries.

Section 2. That such canalization be completed as expeditiously as possible consistent with oderliness and sound fiscal planning.

Section 3. That the Clerk of the Senate cause copies of this resolution to be sent to the President of the United States Senate, the

Speaker of the United States House of Representatives and to each of the Senators and Representatives of the Commonwealth of Kentucky now serving in the Congress.

The Speaker, with approval of the House, suspended the Rules to permit reading of bill referrals.

Reference of Bills

The Speaker announced referral of the following bills and resolutions:

Agriculture and Conservation: **HB 213, HB 221, HR 37.**

Appropriations and Revenues: **HB 192, HB 193, HB 194, HB 202, HB 203, HB 209, HB 211, HB 224, HB 226, HR 33, HR 34, HR 35, HR 36, HR 38.**

Claims: **HR 31.**

Education: **HB 197.**

Enrollment: **HB 205.**

Health and Welfare: **HB 186, HB 227.**

Judiciary, Executive and Legislative Affairs: **HB 210, HB 220, HB 223.**

Labor and Industry: **HB 219.**

Municipal and County Government: **HB 182, HB 183, HB 184, HB 185, HB 187, HB 190, HB 196, HB 200, HB 201, HB 228.**

Public Utilities: **HB 206.**

Transportation and Highways: **HB 212.**

Ways and Means: **HB 188, HB 189, HB 191, HB 195, HB 198, HB 199, HB 204, HB 207, HB 208, HB 214, HB 215, HB 216, HB 217, HB 218, HB 222, HB 225, HB 229, HR 39.**

Representative McCallum moved adoption of **HR 43.** Adopted.

HR 43, A CONCURRENT RESOLUTION expressing the congratulations of the Senate and House of Representatives of the Commonwealth of Kentucky to "The Escorts" upon the occasion of their appearance as contestants upon the Arthur Godfrey television show "Talent Scouts".

WHEREAS, four native Kentuckians, Jerry Crutchfield, Jan Crutchfield, Gerald Nelson and Olin Bryant, known as "The Escorts", recently honored by being commissioned Kentucky Colonels by the Governor of the Commonwealth of Kentucky, are appearing on the Arthur Godfrey television program known as "Talent Scouts";

WHEREAS, "The Escorts" have been widely acclaimed for their musical artistry and are among the favorite vocal ensembles of the nation; and

WHEREAS, the latest recordings of the group "Arrow Two Hearts" and "Misty Eyes" seem destined for universal popularity;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the Commonwealth of Kentucky, the Senate concurring therein:

Section 1. That the vocal group known as "The Escorts" be and are hereby congratulated upon their musical achievements, notable among which is their appearance on the Arthur Godfrey televisions program "Talent Scouts".

Section 2. That in recognition of such meritorious achievements "The Escorts" be and are hereby designated "Official Kentucky Quartet of the Year."

Section 3. That "The Escorts" be and are hereby invited to appear before the Senate and House of Representatives of the Commonwealth of Kentucky in joint session assembled at some mutually convenient time during the regular session of the 1958 General Assembly.

Section 4. That the Clerk of the House of Representatives be and is hereby directed to cause copies of this Resolution to be forwarded to the Honorable Arthur Godfrey and to each member of "The Escorts" vocal aggregation.

Report of Committees

The Committee on Appropriations and Revenues reported **HB 24, HB 72, HB 73, HB 93, HB 140, HB 151, HB 152, HB 157** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 24, AN ACT relating to elections.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 116.140 of the Kentucky Revised Statutes is amended to read as follows:

Compensation of the judges, clerk and sheriff of elections shall be fixed by the fiscal court of the county, at not less than ten dollars nor more than fifteen dollars each for each election in which they serve, including elections to fill vacancies, to be paid by the county. For delivering election returns the sheriff and judge of the opposite political party from the sheriff shall receive in addition eight cents for each mile necessarily traveled from the place of voting to and from the place of delivery, to be paid by the county.

HB 72, AN ACT relating to the Governor's Mansion.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 11.020 of the Kentucky Revised Statutes is amended to read as follows:

"The Governor shall have the use of the Mansion and the furniture therein and premises, free of rent, but the purchase of furniture for the Mansion shall be upon the recommendation of the Commissioner of Finance and in accordance with KRS Chapter 42."

HB 73, AN ACT relating to state mileage allowances.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 44.060 of the Kentucky Revised Statutes is amended to read as follows:

"When any state officer, member of a state board or commission, or any subordinate officer, agent or employee thereof is authorized by law to and does incur, in the discharge of his official duties, any expense incident to traveling in his own motor vehicle, the amount allowed for such expense shall be fixed by the Commissioner of Finance not to exceed eight cents per mile over the nearest traveled route over which he has traveled."

HB 93, AN ACT relating to education and amending KRS 157.380.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 157.380 of the Kentucky Revised Statutes is amended to read as follows:

(1) On or before July 1 of each year the Department of Revenue shall determine the aggregate assessed value of all property subject to assessment for school tax purposes, and shall determine the percentage the equalized value of property in each district is of the total equalized value of all property in the Commonwealth subject to taxation for school purposes and shall certify such information to the Superintendent of Public Instruction for use in determining the required local tax effort for each district. If such assessment has not become final by July 1 of any year, the Department of Revenue shall, on the basis of other information as may be available, make an estimate of the assessment of all property subject to local school tax in each school district and the estimate shall be used in lieu of the aggregate assessed value.

(2) In determining the required local tax effort for districts which participate in the public school foundation program fund, including the capital outlay allotment, the Superintendent of Public Instruction shall divide the aggregate assessed value of all property in the Commonwealth subject to taxation for school purposes by one hundred and multiply the quotient thereof by one dollar and ten cents. The product thereby obtained shall be multiplied by each district's percentage of the total equalized value of all property in the Commonwealth subject to taxation for school purposes. In determining the required local tax effort for districts which do not participate in the capital outlay allotment of the public school foundation program fund, the multiplier shall be one dollar.

(3) Any district's levy shall be at such rate as is necessary to provide the required local tax effort.

(4) A portion of funds received by any district from the federal govermnment in lieu of taxation of property shall be added to the district's required local tax effort. The portion of such federal funds added to the district's required local tax effort shall be the percentage the required local tax effort is of the total levy for school current expense purposes made in the district during that year; provided, however, that any part of federal funds received by the district that is charged against the district in determining its allotment under public law 874 or similar laws shall not be added to the districts required local tax effort, and, provided further, that this subsection shall not be applicable during the biennium 1958-1960.

HB 140, AN ACT relating to construction of National Guard Armories, and appropriating money therefor.

WHEREAS, the General Assembly in 1956 enacted the National Guard Armory Construction Act, Chapter 71 of the 1956 Acts of the General Assembly, pursuant to which appropriation was made to the Governor's Special Emergency Fund of whatever surplus remained in the General Expenditure Fund at the end of the 1956-1957 fiscal year, not to exceed the sum of Five Hundred Seventy-one Thousand ($571,000.00) Dollars, for the construction of National Guard Armories; and

WHEREAS, at the close of the 1956-1957 fiscal year there was a sufficient surplus in the General Expenditure Fund, so that by the operation of the Act referred to the entire sum of Five Hundred Seventy-one Thousand ($571,000.00) Dollars became available to the Governor's Special Emergency Fund; and

WHEREAS, pursuant to the provisions of Chapter 71 of the 1956 Acts of the General Assembly, this appropriation was made available for the purposes of the Act until expended, or until the close of the fiscal year 1957-1958, whichever should occur first; and

WHEREAS, matching funds to be provided by the Federal Government have not been made available in time to award contracts or to complete the work of construction prior to the close of the fiscal year 1957-1958 on June 30, 1958; and

WHEREAS, considerable time and effort have been expended in procuring sites and in planning for the construction of National Guard Armories; and

WHEREAS, the urgent need for the construction of these National Guard Armories still exists;

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 36.082 of the Kentucky Revised Statutes is amended to read as follows:

(1) This section may be cited as the National Guard Armory Construction Act.

(2) In enacting this section, it is the intention of the General Assembly to provide funds for the construction of National Guard Armories at the following locations: Olive Hill, Jackson, Barbourville, Louisville, Shively, Bardstown, Carrollton, Brandenburg, Hopkinsville, Tompkinsville, Marion, Monticello, Middlesboro, and Glasgow, or at other locations on a need basis within the discretion of the Adjutant General.

(3) As used in this section, unless the context requires otherwise:

(a) "Armory" means a structure in which to house, administer, train, and equip a unit or units of the Kentucky National Guard and all appurtenances necessary thereto.

(b) "Federal funds" means funds provided by the Congress of the United States through the enactment of public law for the construction of National Guard Armories in the several states.

(4) To carry out the purposes of this section, the funds in the amount of Five Hundred Seventy-one Thousand ($571,000.00) Dollars appropriated to the Governor's Special Emergency Fund by Chapter 71 of the 1956 Acts of the General Assembly for the construction of National Guard Armories, or any amount thereof remaining unencumbered and unexpended on June 30, 1958, shall be carried forward and is hereby appropriated to the Capital Construction Fund and made available for expenditure during the fiscal years beginning on July 1, 1958, and expiring on June 30, 1960.

HB 151, AN ACT relating to taxation of motor carrier.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 138.655 of the Kentucky Revised Statutes is amended to read as follows:

(1) "Department" means Department of Revenue.

(2) "Certificate" means the certificate of public convenience and necessity as defined in KRS 281.010 (3).

(3) "Person" includes every natural person, fiduciary, association, state or political subdivision, or corporation. Whenever used in any clause describing and imposing imprisonment the term "person" as applied to an association means and includes the partners or members thereof, and as applied to a corporation the officers thereof.

(4) "Public Highway" means every way or place generally open to the use of the public as a matter of right for the purpose of vehicular travel notwithstanding that it may be temporarily closed or travel thereon restritced for the purpose of construction, maintenance, repair or reconstruction.

(5) "Motor Carrier" means every person who operates or causes to be operated on any highway in this state any motor vehicle, trailer or semi-trailer, of a gross weight of not less than 24,001 pounds, engaged in the transportation of persons or property in either private or for-hire carriage in interstate commerce in this state, or who purchases fuel without this state for consumption in this state in intrastate commerce. The term "Motor Carrier" shall include every common and contract carrier processing authority as such from the Interstate Commerce Commission together with those engaged in transporting in interstate commerce in this state commodities not regulated by the Interstate Commerce Commisison. The term "Motor Carrier" shall not mean or shall not include any person operating or causing to be operated a city bus except city buses operated across the border of the state of Kentucky.

(6) "Heavy equipment motor carrier" means any person who operates on the public highways of this state a motor vehicle, including a trailer or semi-trailer, having more than three axles none of which are closer together than 42 inches.

(7) A "licensee" for purposes of KRS 138.655 through 138.725 is any person who has been granted a license as a motor carrier or a heavy equipment motor carrier.

(8) "City bus" means any motor vehicle used for the transportation of persons for hire exclusively within the limits of any city or within ten miles of its limits over a regular route and exclusively within the boundaries of this state.

(9) "Use" means the consumption of gasoline in propelling motor vehicles on the public highways.

(10) "Gasoline" means gasoline as defined in KRS 138.210 (4).

(11) "Quarterly" for the purposes of KRS 138.655 to 138.725 means a three-month period ending June 30 in the year 1956 and each succeeding three-month period thereafter.

HB 152, AN ACT relating to taxation of interstate special fuel users.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 138.560 of the Kentucky Revised Statutes is amended to read as follows:

As used in KRS 138.560 to 138.640 and in subsections (19), (20), and (21) of 138.990, unless the context requires otherwise:

(1) "Department" means the Department of Revenue.

(2) "Person" includes every natural person, fiduciary, association, state or political subdivision, or corporation. Whenever used in any clause prescribing and imposing imprisonment the term "person" as applied to an association means and includes the partners or members thereof, and as applied to corporations, the officers thereof.

(3) "Special fuel" means and includes all combustible gases and liquids used for the generation of power in an internal combustion engine to propel vehicles of any kind upon the public highways, except that it does not include gasoline as defined in KRS 138.210.

(4) "Motor vehicle" means any vehicle, machine or mechanical contrivance propelled by an internal combustion engine and licensed for operation and operated upon the public highways and any trailer or semi-trailer attached to or having its front end supported by such motor vehicle.

(5) "Public highway" means every way or place generally open to the use of the public as a matter of right for the purpose of vehicular travel, notwithstanding that they may be temporarily closed or travel thereon restricted for the purpose of construction, maintenance, repair or reconstruction.

(6) "Use" means the delivery or placing of special fuel into the fuel supply tank or tanks of a motor vehicle within this state. With respect to an interstate user as hereinafter defined the term "use" means the consumption of special fuel in propelling motor vehicles on the public highways of this state as computed under KRS 138.595.

(7) "Special fuel dealer" means any person who receives special fuel as defined in this section into storage tanks from which withdrawals are made and placed into fuel supply tanks of a motor vehicle for use on the public highways of this state.

(8) "Dealer" means special fuel dealer as defined above.

(9) "Special fuel user" means any person, other than a special fuel dealer or interstate special fuel user who uses special fuels within the meaning of the word "use" as defined in this section.

(10) "User" means special fuel as defined above.

(11) "Interstate special fuel user" means common and contract carriers of persons or property by motor vehicles, of a gross weight of not less than 24,001 pounds, operated upon the public highways of both this state and other states and any other motor vehicular carriers of property operated upon the public highways of other states and upon the highways of this state.

(12) "Interstate user" means interstate special fuel user as defined above.

(13) "Heavy equipment special fuel user" means any person who operates on the public highways of this state, a motor vehicle, including a trailer or semi-trailer, having more than three axles none of which are closer together than 42 inches.

(14) A "licensee" for purposes of KRS 138.560 to 138.640 is any person who has been granted a license as a special fuel dealer, special fuel user, interstate special fuel user or heavy equipment special fuel user.

(15) "Quarterly" for purposes of KRS 138.560 to 138.640 means a three-month period ending June 30 in the year 1956 and each succeeding three-month period thereafter.

HB 157, AN ACT relating to schools for handicapped children and making an appropriation thereto.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. In enacting this legislation it is the intention of the General Assembly to provide special financial support for the education of handicapped and retarded children in recognition of the additional costs of facilities for such education.

Section 2. State funds may be appropriated to any county or independent school district maintaining a separate school for the benefit of handicapped and retarded children, in addition to fund presently provided. To be eligible for such additional support, such schools shall be operated as a separate school and shall have adequate facilities to take care of at least twenty pupils. Such facilities in any school shall be made available to handicapped and retarded children from other dsitricts to the extent of available facilities. Any school to become eligible shall be approved by the State Department of Education.

Section 3. There is hereby appropriated out of the General Fund the sum of $7,500 for each of the 1958-1959 and 1959-1960 fiscal years to every school district providing facilities of the type described in Section 1. Thereafter the Department of Education shall provide special appropriations for the purposes of this Act in its regular biennial appropriations.

The Committee on Education reported **HB 169** and **HB 168** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 169, AN ACT relating to the Teachers' Retirement System of the State of Kentucky, amending Sections 161.340 and 161.430 of the Kentucky Revised Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 161.340 is amended to read as follows:

The board of trustees shall elect from its membership a chairman and shall by a majority vote of all its members appoint a secretary who is not a member of the board. The secretary shall at the time of appointment be at least thirty-five years of age, a graduate of a standard four-year college, have had at least ten years' experience as a teacher, and be eligible for membership in the retirement system. He shall be paid an adequate salary in accordance with established personnel classifications, which may not exceed the sum of ten thousand dollars per annum. He shall not have held, by appointment or election, an elective office within the five-year period next preceding the date of appointment. The board shall engage such actuarial, legal, medical and other technical services and such clerical or other services as are required to transact the business of the retirement system. The compensation of all persons engaged by the board and all other expenses of the board necessary for the operation of the retirement system shall be paid at such rates and in such amounts as the board approves.

Section 2. KRS 161.430 is amended to read as follows:

(1) The board of trustees shall be the trustee of the funds of the retirement system, and shall have full power and responsibility for the investment and disbursement of the funds. No investment shall be made of the funds except in the following:

(a) Obligations of the United States and obligations for which the faith of the United States is pledged for the payment of the interest and principal;

(b) Obligations of the Commonwealth of Kentucky and obligations of its departments, including revenue bonds;

(c) Obligations of any city of the first, second, third and fourth classes of the Commonwealth of Kentucky which are payable from voted taxes;

(d) School improvement bonds issued in accordance with authority granted under KRS 162.080 to and including KRS 162.100;

(e) School building revenue bonds issued in accordance with authority granted under KRS 162.120 and including KRS 162.300, provided the issuance of such bonds is approved by the State Board of Education;

(f) Revenue bonds issued by educational institutions of the Commonwealth of Kentucky as authorized by KRS 162.340 to and including KRS 162.380;

(g) Bonds issued by corporations organized under the laws of the United States or of any state in the United States, or of the District of Columbia, when such bonds have a rating of the highest or next highest classification made by a nationally known major rating service;

(h) Deposits in banks or trust companies in the Commonwealth of Kentucky organized under the laws of this state, or of the United States, when such deposits are interest bearing at a rate not lower than two per centum per annum, and when such deposits are fully secured by direct obligations of the United States Government or of the Commonwealth of Kentucky, placed in the hands of the State treasurer and approved by the board of trustees.

(2) (a) Not more than twenty-five percent of any one issue may be purchased by the board of trustees as an investment; and not more than five percent of the invested funds of the retirement system may be invested in the obligations of any issuer except in the case of obligations of the United States Government. For the purpose of this subsection revenue bond obligations of the Commonwealth of

Kentucky or its departments and agencies shall not be deemed to be obligations of the same obligor if the revenues pledged are derived from separate projects. No investment may be made in the obligation of any issuer which has been in default on any of its bonds or interest during a period of the last ten years immediately preceding the purchase.

(b) No more than twenty-five percent of the assets of the Retirement System may be invested in all of the foregoing classification of (c), (d), (e) and (f) of subsection (1) of this section; and not more than twenty-five percent of the assets of the retirement system may be invested in corporate bonds of classification (g) of subsection (1) of this section.

(3) No investment or disbursement of the funds shall be made unless authorized by resolution adopted by the board of trustees.

HB 168, AN ACT relating to the Teachers' Retirement System, amending Sections 161.520 and 161.660 of the Kentucky Revised Statutes and creating additional sections.

WHEREAS, the basic provisions of the Teachers' Retirement Act were amended effective July 1, 1955, to provide larger contributions under Section 161.540 and larger retirement and disability allowances under Sections 161.620 and 161.660 for members of the Retirement System then in active service; and

WHEREAS, no adequate provision was made for teachers already retired at July 1, 1955, nor for the transition from the lower benefits in effect prior to such date to the more adequate allowances accruing on and after such date under the aforesaid amendments; and

WHEREAS, the cost of living continues to increase and financial relief should be granted in the form of increases in benefits to teachers already retired, as well as to those who will retire during the aforesaid transition period;

NOW, THEREFORE, it is declared to be the policy and intention of the General Assembly to provide an increase in payments to teachers now retired, and to teachers retiring during the next several years, in order to make a transition from the lower allowances previously provided, to the higher level of benefits that eventually will be attained under the amendments effective July 1, 1955.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) Beginning July 1 next following the enactment of this Bill, each teacher retired prior to July 1, 1955, and each teacher retired thereafter who has not received service credit subsequent to that

date, shall be entitled to an increase in his retirement or disability allowance equal to thirty per cent of such allowance, and each teacher retired subsequent to said date having service credit subsequent thereto, shall be entitled to an increase in his retirement or disability allowance on a scale to be fixed by the Board of Trustees with the advice of the actuary. In fixing said scale the Board of Trustees shall reduce the increase established by this Section by an amount not exceeding ten per cent of the maximum increase for each service credit year earned subsequent to July 1, 1955. Such reduction of the arbitrary increase fixed by this Section may be established at less than the aforesaid ten per cent for each service year's credit if the Board determines that the value to the annuitant of the increase in the allowance of each service year subsequent to the aforesaid date is less than the amount of said reduction.

(2) In the event the total annual allowance provided under (1) of this Section is an amount less than the service credit years of the teacher multiplied by twenty-five dollars, then the provision of (1) shall not apply, but instead the annual allowance shall be twenty-five dollars per service credit year.

(3) In the case of teachers retired or retiring under an option as provided in Section 161.630, Kentucky Revised Statutes, the increases provided under (1) and (2) of this Section shall be applied in the same proportion to the benefits of the teacher and his beneficiary or beneficiaries.

(4) Increases in retirement allowances provided under (1), (2) and (3) of this Section shall not apply to allowance accrued by reason of voluntary contributions.

(5) No retroactive payments shall be made under (1), (2) and (3) of this Section prior to the beginning date of such increases.

(6) The increases provided in this Section shall be payable for the life of the annuitant and in the same manner and time as provided in 161.640, Kentucky Revised Statutes.

Section 2. 161.520 of the Kentucky Revised Statutes is amended to read as follows:

(1) Membership in the Retirement System shall be terminated: (a) by retirement for disability or superannuation; (b) by death; (c) by withdrawal; (d) when a teacher who is absent from service withdraws his deposits in the fund; or (e) when a teacher is absent from service three out of six consecutive years, unless the Board of Trustees in accordance with its rules and regulations grants a longer period, not in excess of six years, of absence from active service as a teacher without the loss of his status as a member.

(2) Prior service rights shall be forfeited upon withdrawal, and

if the teacher again enters the service, it shall be as a new teacher, except that any teacher who withdraws by claiming his deposits may, before he is absent from service three school years, repay to the System the sums he received from it upon his withdrawal with regular interest and thus re-establish his prior service rights.

(3) In case of withdrawal from service prior to eligibility for retirement, the Board of Trustees shall return to the teacher all of his accumulated contributions, but the teacher shall have no claim upon any contributions made by the State with a view to his retirement. If the member is eligible for a retirement allowance provided by 161.600, 161.610 or 161.620, no withdrawal and refund shall be permitted, but in lieu thereof the teacher shall be entitled to the retirement or disability allowance provided by the Retirement System.

(4) Except as provided in subsection (5) hereunder, in case of death prior to retirement the Board of Trustees shall pay to the estate of the deceased member or to his assigns all of his accumulated contributions, with regular interest, but the estate or assigns shall have no claim on any contributions made by the state with a view to the retirement of the teacher.

(5) (a) Upon the death of an active member who has had subsequent service credit for at least six years and who was in service for at least one full fiscal year immediately prior to his death or prior to the beginning of his last illness, or upon the death of a teacher retired for disability, the Board of Trustees shall pay to the estate or assigns of the deceased teacher a refund of his accumulated contributions, provided that, if the deceased teacher is survived by a spouse whose marriage to the deceased teacher was at least one year prior to the teacher's death, an unmarried child or children under eighteen years of age, or a dependent parent or parents, such survivor or survivors in the order named may elect to receive in lieu of the accumulated contributions a survivors benefit described hereinafter in this Section, payable under the conditions specified.

(b) If the survivor is a spouse, the benefit shall be forty dollars per month, or one-half the retirement allowance that the teacher would have received had he been eligible and retired at the date of his death or was receiving as a disabled teacher at the date of death, whichever is larger. If both a spouse and unmarried children under eighteen years of age survive the deceased, the benefits shall be increased by forty dollars per month in the case of one such child, seventy dollars per month in the case of two such children, and ninety dollars per month in the case of three such children, and one hundred dollars per month in the case of four or more such children.

(c) If no spouse survives the deceased member and a child or children survive, the benefits payable to the child or children shall be at the rates specified in (b) above. These benefits shall apply to legally adopted survivors provided the proceedings for adoption were initiated at least one year prior to the death of the member.

(d) If no spouse or children survive the deceased member, a dependent parent or parents aged sixty-five or over shall be entitled to receive a benefit of forty dollars per month for each parent. Dependency of a parent shall be established as of the date of the death of the member and shall be presumed to exist if the parent was receiving at least one-half of his support from the deceased teacher.

(e) The benefit to a child, spouse or dependent parent shall terminate upon the attainment of age eighteen or the marriage of the child, or the re-marriage of the spouse or parent if such parent was unmarried at the date of the death of the deceased member. The benefit to a spouse or parent shall not be payable to any such beneficiary during the time he is receiving an annuity, pension or allowance in excess of forty dollars per month from a retirement or pension system in the State of Kentucky financed in whole or in part by public contributions, excluding Old Age and Survivors Insurance, or is earning more than eighteen hundred dollars per year from gainful employment.

(f) The Board of Trustees shall be the sole judge of eligibility or dependency of any beneficiary, and may require formal application or information relating thereto, and may subpoena records and individuals whenever it deems such action necessary.

(g) No payments of benefits shall be made unless the Board of Trustees shall have authorized such payments. The Board shall formulate and adopt necessary rules and regulations for the administration of the foregoing provisions and in every case the decision of the Board of Trustees shall be final as to eligibility, dependency or disability, and amounts of benefit payable.

Section 3. 161.660 of the Kentucky Revised Statutes is amended to read as follows:

Any member who has completed ten years or more of accredited service in the public schools, or other covered positions, of the State of Kentucky, five years of which immediately preceded retirement, may retire for disability, and shall be granted a disability allowance to be paid from the funds of the Retirement System. The disability allowance of each member retiring for disability shall be calculated in the same manner as the allowance for a superannuated member, except that the age factor used in determining the annuity shall be the factor for age sixty for disabled members under the age of sixty. The maximum and minimum provisions that apply to members retiring for superannuation shall apply to all cases of retirement for disability, except that in no case shall the allowance be less than fifty dollars per month. All members now retired for disability that are under the age of sixty years and are receiving less than this minimum shall be increased to said minimum beginning July 1 next following the date of approval of this Act. Members retired or retiring for disability may elect any of the options under Section 161.630, Kentucky Revised Statutes, upon reaching the age of sixty.

Section 4. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) Upon the death of a retired teacher who at time of death is receiving a retirement or disability allowance, or upon the death of an active member whose survivors can qualify for benefits under Section 2, a death benefit of five hundred dollars shall be paid to his estate or assigns following application to the Board of Trustees, together with acceptable evidence of death and eligibility.

(2) Suit or civil action shall not be required for the collection of the death benefit provided herein, but nothing in this section shall prevent the maintenance of suit or civil action against the beneficiary or legal representative receiving the death benefit.

The Committee on Education reported **HB 90** with the expression of opinion that the same should pass with Committee amendment. Read at length for the first time and ordered placed in the Calendar.

HB 90, AN ACT relating to vocational rehabilitation services to the blind.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. (1) There is created within the State Rehabilitation Agency in the Department of Education a division of services for the blind.

(2) The division shall consist of a director and such other employes as the Department of Education shall determine.

(3) At least two teachers shall be employed in the division for at-home instruction to blind persons eligible to receive assistance under the vocational rehabilitation program. Preference shall be given to blind persons, where practicable, in the selection of all employes of the division.

Section 2. There is created an advisory committee to advise the director concerning the activities of the division. The committee shall consist of not less than five members appointed by the Governor for terms of four years, or until their successors are appointed and qualified. At least two members of the committee shall be blind persons who have a known interest in and a demonstrated knowledge of the problems and needs of the blind. No state employe shall be a member of the committee. Members of the committee shall serve without compensation, but shall be reimbursed for actual expenses incurred in service on the committee.

Section 3. Section 163.150 of the Kentucky Revised Statutes is amended to read as follows:

(1) The State Rehabilitation Agency in the Department of Education, with the approval of the Superintendent of Public Instruction and the State Board of Education shall establish and maintain a business enterprise program for the blind. In connectoin therewith the agency shall be authorized to own, lease, manage, supervise and operate vending stands and other business enterprises for the use or benefit of blind persons in federal, state, private and other buildings.

(2) The share of expenses of this program to be charged to each enterprise shall not exceed three percent of the gross receipts of such enterprise above the amount of one hundred and twenty-five dollars gross sales per week, the first one hundred and twenty-five dollars per week being exempt from any such fee.

(3) One or more stand placement agents shall be employed to locate and establish additional vending stands.

Section 4. (1) To meet the needs and special problems of the blind, the portion of the budget provided for vocational rehabilitation services for the blind and the apportionment for other vocational rehabilitation services shall be separately established and maintained.

(2) All vocational rehabilitation services for the blind, under both state and federal appropriation, shall be channeled through the division of services for the blind.

Representative Hahn moved to amend **HB 90** as follows:

Amend printed copy of **HB 90** on page 1, section 1, lines 6-10, by deleting lines 6, 7, 8, 9, and 10 in entirety.

The Committee on Judiciary, Executive and Legislative Affairs reported **HB 25** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 25, AN ACT relating to the offense of shoplifting and providing penalties therefor.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. (1) Any person who takes merchandise offered for sale by any store or other mercantile establishment with the intention of converting the same to his own use without paying the purchase price therefor, shall be fined not more than three hundred dollars or imprisoned not more than six months for the first offense. For a second offense he shall be fined not more than five hundred dollars and imprisoned not more than six months, and for a third offense shall be imprisoned not less than one nor more than five years.

(2) Willful concealment of unpurchased merchandise of any store or other mercantile establishment either on the premises or outside the premises of such store, shall be prima facie evidence of concealment with the intention of converting same to personal use without paying the purchase price therefor.

Section 2. A peace officer, merchant or merchant's employee who has probable cause for believing that goods held for sale by the merchant have been unlawfully taken by a person, and that he can recover same by taking the person into custody, may, for the purpose of attempting to effect recovery, take the person into custody and detain him in a reasonably manner for a reasonable length of time. Such taking into custody and detention shall not render the peace officer, merchant or merchant's employee criminally or civilly liable for false arrest, false imprisonment or unlawful detention.

Section 3. Any peace officer may arrest without warrant any person he has probable cause for believing has committed larceny in retail or wholesale establishments.

Section 4. A merchant or merchant's employee who causes the arrest of persons for larceny of goods held for sale shall not be criminally or civilly liable for false arrest or false imprisonment where the merchant or merchant's employee has probable cause for believing that the person arrested has committed larceny of goods held for sale.

The Committee on Judiciary, Executive and Legislative Affairs reported **HB 76** with the expression of opinion that same should pass with Committee amendment. Read at length for the first time and ordered placed in the Calendar.

HB 76, AN ACT relating to traffic violations.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Subsection (10) (a) of Section 189.990 of the Kentucky Revised Statutes is amended to read as follows:

Any person who violates subsection (2) of KRS 189.520 shall be imprisoned for fifteen days and fined not less than one hundred dollars nor more than five hundred dollars.

Representative Williams moved to amend **HB 76** as follows:

"Amend printed copy of **HB 76** on page 1, section 1, line 4 by deleting the word "shall" and inserting the word "may" in lieu thereof."

Orders of the Day

Action deferred on **HB 44** because of the illness of the Sponsor.

HB 94 taken from Orders of the Day. Representative Ockerman moved that it be read for the third time by title only and placed on passage. Agreed.

Representative Ockerman moved to amend **HB 94** as follows:

Amend printed copy of **HB 94** on page 2, section 2, lines 1, 2, 3, 4, and 5 by deleting all of said lines.

Amendment rejected.

HB 94 read for the third time by title only.

On roll call, the vote was yeas 19—Breckinridge, Burke, Bill Cornett, Crecelius, Farmer, Ford, Hall, Huddleston, Kingsbury, Lowman, McCallum, Moore, Ockerman, Ray, Raybourne, C. R. Reynolds, Searcy, Wathen, Wells. Nays 62—Anderson, Arnold, Buckner, Bach, Bartley, Billington, Buchanan, Burress, Bush, Casey, Chaudoin, Clore, Coffey, Combs, E. E. Cook, Cottengim, P. F. Davis, W. F. Davis, Dempsey, Duff, Everett, Finney, Fitzpatrick, Gay, Greene, Hahn, Hale, Haley, Hart, Henry, Hinkle, Hodges, Hopkins, Howard, Isler, H. Nick Johnson, Kincer, Kubale, Lovelace, Lyon, McGuire, McReynolds, Newberry, Nunn, Parrish, Qualls, Ratcliffe, Rayburn, Reed, R. Reynolds, Richards, Smith, Sowards, Stith, E. Thomas, S. R. Thomas, Tinsley, Whitehead, Williams, Wilson, Wirsch, Young.

HB 94 was defeated.

Representative Hale moved that the vote by which said bill was defeated be reconsidered and said motion laid on the table. Agreed.

Senate Message

HB 23 returned to the House.

Reconsideration

Representative Williams moved for reconsideration of the vote by which **HB 23** was passed. Agreed.

Representative Williams moved for reconsideration of the vote by which Amendment No. 2 was passed, seconded by Representative Sowards. Amendment rejected.

HB 23 as amended read at length for the third time.

On roll call, the vote was yeas 79—Anderson, Arnold, Bach, Barton, Baumgardner, Billington, Breckinridge, Brown, Buchanan, Buckner, Burke, Bush, Casey, Chaudoin, Clore, Coffey, Combs, E. E. Cook, M. W. Cook, Bill Cornett, P. W. Cornett, Crecelius, P. F. Davis, W. F. Davis, Dempsey, Duff, Everett, Farmer, Finney, Fitzpatrick, Ford, Gay, Greene, Gullette, Hahn, Hale, Haley, Hall, Hart, Henry Hinkle, Hopkins, Howard, Isler, H. N. Johnson, Kingsbury, Lowman, Lyon, McCallum, McGuire, McReynolds, Mackey, Moore, Newberry, Ockerman, Parrish, Peace, Rausch, Ray, Raybourne, Render, C. R. Reynolds, R. Reynolds, Richards, Smith, Sowards, Stith, Tanner, Ed Thomas, S. R. Thomas, Walsh, Wathen, Wells, Whitehead, Willen, Williams, Wilson, Wirsch, Young. Nays 0.

HB 23 was passed and the title agreed to.

Representative Fitzpatrick moved that the rules be suspended for making a Committee report. Agreed.

Report of Committee

The Committee on enrollment reported **HB 205** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

Introductions

The following Bills and Resolutions were introduced:

HB 230, by Representative Isler, AN ACT relating to military service awards, appropriating money therefor.

HB 231, by Representative Bill Cornett, AN ACT relating to the terms of court in the Thirty-sixth Judicial District.

HB 232, by Representative Kingsbury, AN ACT relating to teacher scholarship loans and making an appropriation for the establishment of scholarships.

HB 233, by Representative Peace, AN ACT relating to terms of court for the thirty-fourth judicial district.

HB 234, by Representatives Peace, Sowards, AN ACT relating to hunting and fishing.

HB 235, by Representatives Peace, P. W. Cornett, AN ACT relating to primary elections.

HB 236, by Representatives Peace, M. W. Cook, Hall, Coffey, Sowards, Qualls, Dempsey, Gay, AN ACT relating to social security, extending coverage to teachers.

HB 237, by Representative McCallum, AN ACT relating to the distribution of proceeds of property taken from the Commonwealth, Counties or Cities by the Federal Government for Federal projects.

HB 238, by Representatives Hislope, Buchanan, Willen, Coffey, Peace, AN ACT relating to county officers.

HB 239, by Representative McReynolds, AN ACT relating to liability for motor vehicle operation.

HB 240, by Representatives Breckinridge, Hislope, Wells, Mackey, Hinkle, Kingsbury, Ockerman, AN ACT relating to election campaign contributions and expenditures.

HB 241, by Representative Hinkle, AN ACT relating to taxation for education.

HB 242, by Representative Smith, AN ACT relating to disposal of dead bodies.

HB 243, by Representatives Hall, Coffey, Hodges, Fields, Bach, Peace, Wells, Buchanan, P. W. Cornett, Gay, Dempsey, Hahn, Mackey, Anderson, P. F. Davis, M. W. Cook, Bill Cornett, Wirsch, Huddleston, AN ACT relating to depositories for boards of education.

HB 244, by Representatives Bach, Sowards, Hislope, Hodges, Wirsch, Hall, AN ACT relating to state mileage allowances.

HB 245, by Representative Hopkins, AN ACT relating to insurance applications, amending KRS 304.656.

HB 246, by Representatives Breckinridge, Ockerman, M. W. Cook, Searcy, Arnold, Nunn, Huddleston, Hopkins, Moore, Raybourne, Tanner, Lowman, Kingsbury, Ford, Lyon, Wells, McCallum, Young, Mackey, Hinkle, E. Thomas, Parrish, Hahn, Hall, Harley, Barton, Ray, AN ACT relating to political parties.

HR 40, by Representatives Hislope, C. R. Reynolds, Burress, Rausch, Sowards, A CONCURRENT RESOLUTION extending to General Douglas MacArthur an invitation to address a joint session of the Kentucky General Assembly.

HR 41, by Representatives Reed, M. W. Cook, A JOINT RESOLUTION authorizing and directing the Departments of Conservation, Public Relations, and Agriculture, Labor and Statistics to formulate, inaugurate and effectuate a Lincoln Memorial Sesquicentennial, and making an appropriation therefor.

HR 42, by Representative Greene, A CONCURRENT RESOLUTION memorializing Congress to make possible the canalization of the Big Sandy River and tributaries.

HR 43, by Representatives McCallum, McGuire, Williams, A CONCURRENT RESOLUTION expressing the congratulations of the Senate and House of Representatives of the Commonwealth of Kentucky to "The Escorts" upon the occasion of their appearance as contestants upon the Arthur Godfrey television show "Talent Scouts."

HR 44, by Representatives Bach, Hale, Dempsey, Sowards, R. Reynolds, A JOINT RESOLUTION authorizing Jack Adams, as Guardian of Edwin J. Adams, to sue the Commonwealth of Kentucky, and the Department of Highways, or either of them.

HR 45, by Representative Billington, A JOINT RESOLUTION authorizing civil action against the Commonwealth of Kentucky and the Department of Highways, or either, in the interest of Andrew Taylor, Cecil Taylor, and T. W. Taylor.

HR 46, by Representative Billington, A JOINT RESOLUTION authorizing civil action against the Commonwealth of Kentucky and certain agencies thereof, or any of them, in the interest of Paul Gilliam.

Senate Message

Senate message announcing passage of **HR 22.**

Report on Enrolled Bills

The Committee on Enrollment reported that **HR 22** had been examined and found correctly enrolled. Said Resolution read at length, compared, and signed in open session by the Speaker. Ordered delivered to the Senate.

Representative Everett moved that the House adjourn until 1:00 p.m., Thursday, February 6. Agreed.

THURSDAY, FEBRUARY 6, 1958

TWENTY-FIFTH LEGISLATIVE DAY

The House was called to order by the Speaker, Mr. Weintraub.

Invocation by the Right Reverend Msgr. Joseph A. O'Dwyer, of the Church of the Good Shepherd, of Frankfort.

The roll call showed all members present except Fields, Fitzpatrick, H. Nick Johnson, Huston Johnson, Miller, Williams.

Representative Chaudoin moved that absent members be granted leaves of absence. Agreed.

Reading of the Journal for February 4 dispensed with and the same approved on motion of Representative Isler.

Representative Everett moved that the House adjourn until 1:00 p.m., February 7. The Speaker, with approval of the House, asked that action on this motion be deferred.

Report of Committees

The Committee on Ways and Means reported **HB 32, HB 83, HB 129** with the expression of opinion that same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 32, AN ACT relating to trading stamps.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act, unless the context requires otherwise:

(1) "Trading stamps" includes any stamps, coupons, tickets, certificates, cards, or other similar devices that upon surrender or redemption with or without accompanying cash entitle the purchaser or person receiving the same with the sale of goods, wares, merchandise, or services as a possible trade inducement or otherwise to receive other goods, wares, merchandise, services, or cash from the seller or from a third party. However, an offer made or endorsed by the manufacturer from, as a part of, or within the original wrapped package container in which goods are sold, of a premium or a reward for the return to the manufacturer of such goods, or to any dealer in such goods, of all or any part of that label or container, or any coupon placed in or attached to such label or container, is not a trading stamp.

(2) "Issuer" includes any person who issues, gives, sells, or otherwise distributes or furnishes any trading stamp to any merchant or dealer in goods or any supplier of services for issue by such merchant, dealer, or supplier in connection with the sale of goods or services.

Section 2. Trading stamps that have been distributed and not redeemed by the holder within two years of their printed date of distribution are unclaimed property. All rights of the holder of such stamps are escheated to the Commonwealth. The issuer shall pay the funds represented by such unredeemed trading stamps to the Department of Revenue.

Section 3. (1) No person shall distribute or furnish trading stamps, or redeem trading stamps, unless each stamp has legibly printed upon its face its redeemable value expressed in cents or fraction of cents. The redeemable value printed upon the face of each trading stamp shall not be less than the actual value of the trading stamp as determined by the issuer.

(2) No person shall distribute any trading stamp that does not have printed legibly on its face the month and year of distribution. Such date of distribution shall not be more than one month in advance of the date of its actual distribution.

(3) No person shall furnish a book or other device for the collection of trading stamps that does not bear a statement, in bold type, to the effect that trading stamps may be redeemed in premiums or in cash at the option of the holder if offered for redemption within two years of the printed date of distribution.

Section 4. No person shall distribute trading stamps unless the issuer thereof makes and maintains records of:

(1) The value of trading stamps issued by him within the Commonwealth;

(2) The date of their issue;

(3) The value of trading stamps redeemed by him within two years from their date of issue, so that the records will disclose accurately the total value of trading stamps issued within the Commonwealth that have not been redeemed within two years of their date of distribution.

Section 5. No person shall distribute trading stamps issued by an issuer of trading stamps who does not redeem the trading stamps in goods or in cash at the option of the holder when trading stamps of an aggregate value of at least ten cents are presented.

Section 6. The Department of Revenue may audit any issuer's books and records to determine the amount of funds represented by unredeemed trading stamps.

Section 7. No person shall distribute trading stamps issued by an issuer who does not post bond with the Department of Revenue conditioned on his maintaining accurate records and keeping those records available to the Department of Revenue. The Department of Revenue shall promulgate reasonable regulations governing the amount of the bond, the qualifications of sureties, and forfeiture procedures.

Section 8. Any person who violates any provision of this Act shall be fined not less than one hundred dollars nor more than five hundred dollars. Each day of continuance of a violation shall be a separate offense.

HB 83, AN ACT relating to highway construction.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 176.120 of the Kentucky Revised Statutes is amended to read as follows:

The Department of Highways may cause any road construction or reconstruction work to be done by employes of the Department instead of through contractors when, in the opinion of the commissioner as expressed in an official order:

(a) No satisfactory bid is received for the construction or reconstruction of the road after all necessary steps have been taken to obtain bids for such work; or

(b) Emergency construction or reconstruction is necessary; or

(c) Construction or reconstruction of access roads would serve as an inducement to industrial location or substantial expansion; or

(d) The work project is within the boundaries of property owned by other governmental agencies; or

(e) The estimated cost of the project is less than $25,000.

HB 129, AN ACT proposing an amendment to Section 99 of the Constitution of Kentucky relative to sheriffs.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. It is proposed that Section 99 of the Constitution of the Commonwealth of Kentucky be amended in so far as it relates to sheriffs' succession in office and when so amended said section shall read as follows:

There shall be elected in nineteen hundred and sixty-one in each county a Judge of the County Court, a County Court Clerk, a County Attorney, Sheriff, Jailer, Coroner, Surveyor, and Assessor, and in each Justice's District one Justice of the Peace and one Constable, who shall enter upon the discharge of the duties of their offices on the first Monday in January after their election, and every four years thereafter, there shall be an election in each county of the officers mentioned, who shall hold their offices four years (from the first Monday in January after their election), and until the election and qualification of their successors.

Section 2. This amendment shall be submitted to the voters of the Commonwealth for their ratification or rejection at the time and in the manner provided for under Sections 256 and 257 of the Constitution, and under KRS 118.170 and 118.430.

The Committee on Ways and Means reported **HB 29** with the expression of opinion that the same should pass, with the committee substitute attached thereto. Read at length for the first time and ordered placed in the Calendar.

HB 29, AN ACT concerning alcoholic beverages in relation to minors.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. In enacting this Act it is the intention of the General Assembly to place a responsibility upon minors who purchase alcoholic beverages and to punish those who contribute to the delinquency of minors.

Section 2. (1) No person under the age of twenty-one years shall purchase or possess for consumption any alcoholic beverages.

(2) No person shall purchase alcoholic beverages for, or deliver alcoholic beverages to, any person under the age of twenty-one years.

(3) Any person who violates this Act shall be fined not less than fifteen dollars nor more than one hundred dollars for each offense.

Section 3. Section 208.020 of the Kentucky Revised Statutes is amended to read as follows:

(1) The juvenile session of county court in each county shall have exclusive jurisdiction in proceedings concerning any child living or found within the county who has committed a public offense, except a violation involving alcoholic beverages. The court shall not have jurisdiction of any offense involving alcoholic beverages.

(2) Nothing in this chapter shall deprive other courts of the right to determine the custody of children upon writs of habeas corpus, or to determine the custody or guardianship of children when such custody or guardianship is incidental to the determination of other causes pending in such other courts; nor shall anything in this chapter affect the jurisdiction of circuit courts over adoptions and over proceedings for termination of parental rights.

The Committee on Agriculture and Conservation reported **HB 143** and **HB 167** with the expression of opinion that same should pass.

Read at length for the first time and ordered placed in the Calendar.

HB 143, AN ACT relating to federation of Farm Bureaus.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 247.370 of the Kentucky Revised Statutes is amended to read as follows:

(1) Every county farm bureau organized pursuant to KRS 247.250 shall be eligible to membership in any said state federation, but after its admission to membership, said federation shall have power to suspend its membership or expel it for failure to comply with any bylaws or reasonable rule or regulation of the federation.

(2) Any said state federation shall have authority to:

(a) Adopt, amend and repeal bylaws and amendments thereto by two-thirds vote of the voting delegates voting at an annual convention;

(b) Assess annual membership dues against each county farm bureau, and base the amount thereof on the number of paid-in memberships in each county farm Bureau;

(c) Acquire, own and hold property, pursuant to action of its board of directors, or by its executive committee upon authorization or approval of its board of directors;

(d) Borrow money and mortgage or pledge its property or assets by action of its board of directors, or, by its executive committee, upon authorization or approval of its board of directors;

(e) Accept gifts, devises and bequests, appropriate and expend its funds, pursuant to action of its board of directors, or its executive committee, upon authorization or approval by its board of directors, for the advancement of agriculture and allied interests and for any purposes deemed advisable to carry on its activities; and

(f) Do anything necessary to carry out the purpose for which it is organized.

HB 167, AN ACT relating to game and fish.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 433.700 of the Kentucky Revised Statutes is amended to read as follows:

Any person who enters upon the enclosed lands of another to shoot, hunt or fish without the written consent of the owner or occupant shall be fined not less than twenty-five dollars nor more than one hundred dollars.

The Committee on Transportation and Highways reported **HB 26** with the expression of opinion that same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 26, AN ACT relating to motor vehicle equipment.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. No vehicle, except authorized emergency vehicles and wreckers, public utility repair vehicles at the scene of an emergency repair job, and vehicles used by rural mail carriers when engaged in delivering mail, shall be equipped with flashing lights other than those used to indicate a right or left turn.

Section 2. No person shall drive or move any vehicle or equipment, except authorized emergency vehicles, upon any highway with any lamp or device thereon displaying a red light visible from directly in front.

Section 3. A wrecker when in use at the scene of a motor vehicle accident shall display at least one yellow flashing light clearly visible to all vehicles approaching the scene of the accident.

Section 4. Section 189.040 of the Kentucky Revised Statutes is repealed and reenacted to read as follows:

(1) A motor vehicle other than a motorcycle or motor-driven cycle shall be equipped with at least two head lamps with at least one on each side of the front of the motor vehicle.

(2) The head lamps on motor vehicle other than a motorcycle or motor-driven cycle shall be such that the driver may use either bright or dim lights.

(3) A new motor vehicle, other than a motorcycle or motor-driven cycle, equipped with multiple-beam head lamps and registered in the Commonwealth after January 1, 1956, shall be also equipped with a beam indicator. The beam indicator shall be illuminated when bright lights are used and not otherwise illuminated. The indicator shall be so designed and located that when illuminated it will be readily visible without glare to the driver of the vehicle so equipped.

(4) A motorcycle or motor-driven cycle shall be equipped with at least one and not more than two head lamps.

(5) A bicycle shall be equipped with at least one light in front that will clearly reveal substantial objects fifty feet ahead.

Section 5. A new section of the Kentucky Revised Statutes is created to read as follows:

As used in KRS Chapter 189 and this Act, unless the context requires otherwise:

(1) "Bright lights", when applied to vehicles equipped with multiple-beam head lamps, means a distribution of light so aimed and of such intensity as to reveal vehicles and persons at a distance of at least three hundred and fifty feet;

(2) "Bright lights", when applied to vehicles not equipped with multiple-beam head lamps, means a distribution of light of such intensity as to reveal vehicles and persons at a distance of at least two hundred feet ahead, and so aimed that when the vehicle is loaded none of the high intensity portion of the light shall, at a distance of twenty-five feet ahead, project higher than a level of five inches below the level of the center of the lamp from which it comes, and in no case higher than forty-two inches above the level on which the vehicle stands, at a distance of seventy-five feet ahead;

(3) "Dim lights", when applied to vehicles equipped with multiple-beam head lamps, means a distribution of light of sufficient intensity to reveal persons and vehicles at a distance of at least one hundred feet ahead, and aimed so that on a straight level road the glaring rays do not strike the eyes of an oncoming driver;

(4) "Dim lights", when applied to vehicles not equipped with multiple-beam head lamps, means a distribution of light so aimed that the glaring rays do not strike the eyes of an oncoming driver.

Section 6. A new section of the Kentucky Revised Statutes is created to read as follows:

Whenever a motor vehicle is being operated on a roadway or adjacent shoulder during the time when lights must be used, the driver shall use bright lights, except:

(1) Whenever the driver of a motor vehicle approaches an oncoming vehicle within five hundred feet he shall use dim lights;

(2) Whenever the driver of a motor vehicle follows another vehicle within two hundred feet he shall use dim lights, except when engaged in the act of overtaking and passing.

Section 7. Any person who violates any of the provisions of this Act shall be fined not less than ten dollars nor more than one hundred dollars for each offense.

The Committee on Suffrage and Elections reported **HB 14** with the expression of opinion that same should not pass.

The Committee on Public Utilities reported **HB 8** with the expression of opinion that same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 8, AN ACT relating to public utilities.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 278.010 of the Kentucky Revised Statutes is amended to read as follows:

As used in this chapter, unless the context otherwise requires:

(1) "Corporation" includes private, quasi-public and public corporations, associations, joint-stock companies and business trusts.

(2) "Person" includes natural persons, partnerships, corporations, and two or more persons having a joint or common interest.

(3) "Utility" means any person, except a water district organized under Chapter 74 or a city, who owns, controls, operates or manages any facility used or to be used for or in connection with:

(a) The generation, production, transmission or distribution of electricity to or for the public, for compensation, for the lights, heat, power or other uses;

(b) The production, manufacture, storage, distribution, sale or furnishing of natural or manufactured gas, or a mixture of same, to or for the public, for compensation, for light, heat, power or other uses;

(c) The transporting or conveying of gas, crude oil or other fluid substance by pipe line to or for the public, for compensation;

(d) The diverting, developing, pumping, impounding, distributing or furnishing of water to or for the public, for compensation;

(e) The transmission or conveyance over wire, in the air or otherwise, of any message by telephone or telegraph for the public, for compensation;

(f) The transmission or conveyance by cable, in the air or otherwise, of television signals from a point of wireless reception to individual receivers for compensation; or

(g) The transportation of persons or property by street, suburban or interurban railway for the public, for compensation.

(4) "Facility" includes all prpoerty, means and instrumentalities owned, operated, leased, licensed, used, furnished or supplied for, by, or in connection with the business of any utility.

(5) "Rate" means any individual or joint fare, toll, charge, rental or other compensation for service rendered or to be rendered by any utility, and any rule, regulation, practice, act, requirement or privilege in any way relating to such fare, toll, charge, rental, or other compensation, and any schedule or tariff or part of a schedule or tariff thereof.

(6) "Service" includes any practice or requirement in any way relating to the service of any utility, including the voltage of electri-

city, the heat units and pressure of gas, the purity, pressure and quantity of water, and in general the quality, quantity and pressure of any commodity or product used or to be used for or in connection with the business of any utility.

(7) "Commission" means the Public Service Commission of Kentucky.

(8) "Commissioner" means one of the members of the commission.

The Committee on Public Utilities reported **HB 18** with the expression of opinion that same should not pass.

Calendar

HB 24, HB 72, HB 73, HB 93, HB 140, HB 151, HB 152, HB 157, HB 90, HB 169, HB 168, HB 25, HB 76, HB 205 were taken from the Calendar and ordered read at length for the second time. Ordered placed in Orders of the Day.

Introductions

The following Bills and Resolutions were introduced:

HR 47, by Representative Clore, A JOINT RESOLUTION authorizing civil action against the Commonwealth of Kentucky and the Department of Highways, or either, in the interest of Arthur Allen Forcum, of Cairo, Kentucky.

HB 247, by Representatives Bill Cornett, P. W. Cornett, Hall, AN ACT abolishing the State Highway Commission.

HB 248, by Representatives Bill Cornett, Gay, AN ACT relating to income tax, authorizing deductions for school expenses and rearranging the subsections of KRS 141.010.

HB 249, by Representative Lyon, AN ACT relating to criminal law.

HB 250, by Representative Newberry, AN ACT changing the classification of the City of Glasgow in Barren County.

HB 251, by Representatives Buckner, H. Nick Johnson, Buchanan, AN ACT relating to teacher retirement.

HB 252, by Representative Lowman, AN ACT relating to absent voting.

HB 253, by Representative Smith, AN ACT relating to postmortem examinations.

HB 254, by Representatives Mackey, Howard, AN ACT relating to taxation on wagering at race tracks.

HB 255, by Representative McReynolds, AN ACT relating to highway improvement.

HB 256, by Representatives Breckinridge, M. W. Cook, Burke, AN ACT to provide a unified system for the administration of child welfare services and adoption under a Kentucky Commission for Child Welfare.

HB 257, by Representative Isler, AN ACT relating to real property.

HB 258, by Representative C. R. Reynolds, AN ACT relating to county judges and magistrates.

HB 259, by Representatives Bartley, Qualls, Buchanan, Brown, H. Nick Johnson, Buckner, Sowards, Dempsey, Gay, AN ACT relating to Absent Voting.

HB 260, by Representatives E. Thomas, Brown, Bush, AN ACT relating to cabooses in the Commonwealth of Kentucky.

HB 261, by Representative Buchanan, AN ACT relating to teacher retirement.

HB 262, by Representatives Dempsey, Tanner, Qualls, W. F. Davis, Smith, Finney, Lovelace, Render, Ford, Newberry, Chaudoin, Richards, McReynolds, Bush, Brown, Coffey, Stith, Combs, Bill Cornett, Nunn, P. W. Cornett, Whitehead, Duff, Bartley, Sowards, Hislope, Hodges, Wirsch, Hall, Rausch, Burke, Farmer, Kingsbury, H. Nick Johnson, Buckner, C. R. Reynolds, Burress, Reed, Gay, E. Thomas, Kincer, S. R. Thomas, Parrish, Mackey, AN ACT relating to social security, extending coverage to teachers.

HB 263, by Representative Render, AN ACT relating to primary elections.

HB 264, by Representative Wirsch, AN ACT relating to city taxes.

HB 265, by Representative Kubale, AN ACT relating to stockyards.

HB 266, by Representative Wirsch, AN ACT relating to expenditures of rural highway funds.

Representative Everett withdrew his previous motion on adjournment, and instead moved that the House adjourn until 10:00 a.m., Friday, February 7. Agreed.

FRIDAY, FEBRUARY 7, 1958

TWENTY-SIXTH LEGISLATIVE DAY

The House was called to order by the Speaker, Mr. Weintraub.

Invocation by the Right Reverend Msgr. Joseph A. O'Dwyer, of the Church of the Good Shepherd, of Frankfort.

On roll call, all members were present except Anderson, Fields, Houston Johnson, Miller, Williams.

Representative Chaudoin moved that absent members be extended leaves of absence. Agreed.

Representative Isler moved that the reading of the Journal for February 6 be dispensed with and same approved. Agreed.

Senate Message

Senate message announcing passage of **SB 27**, **SB 31**, and Senate Committee substitute for **HB 1.**

Representative Everett moved that the House concur in Senate Committee substitute for **HB 1.**

On roll call, the vote was yeas 53—Bach, Bartley, Billington, Brown, Buchanan, Buckner, Burress, Bush, Casey, Chaudoin, Clore, Coffey, Combs, E. E. Cook, P. W. Cornett, Cottengim, W. F. Davis, Dempsey, Duff, Everett, Finney, Fitzpatrick, Gay, Gullette, Hale, Haley, Hart, Henry, Howard, Isler, H. N. Johnson, Kincer, Kubale, McReynolds, Moore, Newberry, Peace, Qualls, Ratcliffe, Rayburn, Reed, Render, C. R. Reynolds, R. Reynolds, Richards, Smith, Sowards, Stith, Tinsley, Ed Thomas, Whitehead, Willen, Wirsch. Nays 39—Anderson, Arnold, Barton, Baumgardner, Breckinridge, Burke, M. W. Cook, Bill Cornett, Crecelius, P. F. Davis, Farmer, Ford, Greene, Hahn, Hall, Hinkle, Hopkins, Huddleston, Kingsbury, Lovelace, Lowman, Lyon, McCallum, Mackey, Nunn, Ockerman, Parrish, Rausch, Ray, Raybourne, Searcy, Steiger, Tanner, S. R. Thomas, Walsh, Wathen, Wells, Wilson, Young.

Agreed.

AN ACT relating to appropriations for the operation, maintenance, support and functioning of the Government of the Commonwealth of Kentucky and its various officers, departments, boards, institutions, subdivisions, agencies and other state supported activities.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

PART ONE

There is appropriated out of the General Expenditure Fund, including any unappropriated surplus to the General Expenditure Fund as of June 30, 1958, for the fiscal year beginning July 1, 1958, and ending June 30, 1959, and for the fiscal year beginning July 1, 1959, and ending June 30, 1960, the following sums for the following officers, departments, boards, commissions, institutions, and subdivisions of the State Government, and any and all other agencies of the State Government of the Commonwealth of Kentucky subject to the provisions of Chapters 12, 42, and 45 of the Kentucky Revised Statutes, for which a specific appropriation is in Part One listed as follows:

I. GENERAL GOVERNMENT

1. LEGISLATIVE

A. *Legislative Sessions*	
1959-60	$501,790
B. *Legislative Research Commission*	
1958-59	$144,955
1959-60	$148,365

C. *Legislative Journals and Acts.* For preparing, indexing, editing, and printing the Journals and Acts of the General Assembly. Any unexpended balance at the end of the first fiscal year of the biennium shall be carried over to the second year.

1958-59	$28,500
1959-60	$10,400
D. *The Council of State Governments*	
1958-59	$9,375
1959-60	$9,375
E. *Statute Revision and Administrative Regulations*	
1958-59	$52,205
1959-60	$52,730

TOTAL–LEGISLATIVE	
1958-59	$235,035
1959-60	$722,660

2. LIEUTENANT GOVERNOR

A. *Office of the Lieutenant Governor*	
1958-59	$17,200
1959-60	$17,200
B. *Operation of Old Governor's Mansion*	
1958-59	$4,950
1959-60	$4,950

TOTAL–LIEUTENANT GOVERNOR	
1958-59	$22,150
1959-60	$22,150

3. JUDICIARY

A. *Court of Appeals.* For normal recurring operating costs of Court of Appeals, including salaries of judges and commissioners.

1958-59	$256,110
1959-60	$256,390

A-1. *Court of Appeals.* To be expended for salaries and expenses of three additional commissioners in the Court of Appeals, contingent upon passage of enabling legislation by the 1958 General Assembly.

1958-59	$25,000
1959-60	$25,000

B. *Clerk of Court of Appeals*

1958-59	$36,140
1959-60	$37,530

C. *Judicial Council*

1958-59	$18,300
1959-60	$18,300

D. *Circuit Courts.* For salaries and expenses of circuit judges.

1958-59	$471,510
1959-60	$471,510

E. *Circuit Judges' Retirement System.* For administering and complying with the obligations of the State under the Circuit Judges' Retirement System Act, namely, KRS 23.300 to 23.380.

1958-59	$8,700
1959-60	$8,700

F. *State Law Library*

1958-59	$34,120
1959-60	$34,120

TOTAL—JUDICIARY

1958-59	$849,880
1959-60	$851,550

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4. EXECUTIVE DEPARTMENT

A. *Governor's Office*

1958-59	$85,230
1959-60	$86,035

B. *Contingent Fund*

1958-59	$12,000
1959-60	$12,000

C. *General Emergency Fund.* For meeting expenses deemed emergencies by the Governor, and to be expended by the Governor in his discretion for any emergency that he may determine requires the expenditure of any part of said fund. Any unexpended balance at the end of the first fiscal year of the biennium shall be carried over to the second year.

1958-59	$500,000
1959-60	$500,000

TOTAL–EXECUTIVE DEPARTMENT

1958-59	$597,230
1959-60	$598,035

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5. SECRETARY OF STATE

A. *Secretary of State*

1958-59	$61,350
1959-60	$62,250

6. DEPARTMENT OF LAW

A. *Attorney General*

1958-59	$131,300
1959-60	$132,350

7. DEPARTMENT OF THE TREASURY

A. *State Treasurer*

1958-59	$109,460
1959-60	$107,185

8. AUDITOR OF PUBLIC ACCOUNTS

A. *Auditor of Public Accounts*

1958-59	$134,200
1959-60	$137,700

9. DEPARTMENT OF FINANCE

A. *General Operations*

1958-59	$639,480
1959-60	$648,010

B. *Confederate Pensions*

1958-59	$11,500
1959-60	$10,500

C. *Paper for Election Ballots*

1958-59	$10,000
1959-60	$10,000

D. *Division of Services.* For general operations.

1958-59	$370,660
1959-60	$370,200

E. *Division of Services.* For operation of the Executive Mansion.
1958-59 ---------- $30,900
1959-60 ---------- $31,300

TOTAL—DEPARTMENT OF FINANCE
1958-59 ---------- $1,062,540
1959-60 ---------- $1,070,010

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10. DEPARTMENT OF PERSONNEL

A. *Departmnt of Personnel*
1958-59 ---------- $107,350
1959-60 ---------- $108,155

11. DEPARTMENT OF REVENUE

A. *General Operations*
1958-59 ---------- $1,589,100
1959-60 ---------- $1,612,000

B. *Reappraisals*
1958-59 ---------- $75,000
1959-60 ---------- $75,000

Any unexpended balance at the end of the 1958-59 fiscal year shall carry forward to the 1959-60 fiscal year.

C. *County Tax Commissioners*
1958-59 ---------- $1,603,000
1959-60 ---------- $1,460,300

TOTAL—DEPARTMENT OF REVENUE
1958-59 ---------- $3,267,100
1959-60 ---------- $3,147,300

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12. ELECTIONS

A. *Board of Election Commissioners*
1958-59 ---------- $900
1959-60 ---------- $900

B. *Board of Registration and Purgation*
1958-59 ---------- $5,400
1959-60 ---------- $3,500

C. *Elections.* For County Elections (State Share).
1958-59 ---------- $170,000
1959-60 ---------- $170,000

D. *County Registration and Purgation Boards—State Share*
1958-59 ---------- $65,000
1959-60 ---------- $65,000

TOTAL ELECTIONS

1958-59	$241,300
1959-60	$239,400

13. DEPARTMENT OF MILITARY AFFAIRS

A. *Adjutant General*

1958-59	$175,380
1959-60	$176,480

B. *Armories–Rental*

1958-59	$121,720
1959-60	$121,720

C. *Repairs to Armories*

1958-59	$34,400
1959-60	$35,400

D. *Civil Defense*

1958-59	$42,600
1959-60	$43,200

TOTAL–DEPARTMENT OF MILITARY AFFAIRS

1958-59	$374,100
1959-60	$376,800

14. KENTUCKY DISABLED EX-SERVICE MEN'S BOARD

A. *Kentucky Disabled Ex-Service Men's Board*

1958-59	$128,350
1959-60	$129,200

15. DEPARTMENT OF PUBLIC SAFETY

A. *General Operations.* To be used for the Office of the Commissioner, Division of State Police, and Division of Accident Control.

1958-59	$263,220
1959-60	$270,675

B. *Division of Fire Prevention*

1958-59	$261,775
1959-60	$259,175

TOTAL–DEPARTMENT OF PUBLIC SAFETY

1958-59	$524,995
1959-60	$529,850

16. DEPARTMENT OF AERONAUTICS

A. *General Operations*

1958-59	$82,010
1959-60	$90,145

B. *Emergency and Disaster Relief in Cooperation with Civil Air Patrol*

1958-59	$10,000
1959-60	$10,000

TOTAL–DEPARTMENT OF AERONAUTICS

1958-59	$ 92,010
1959-60	$100,145

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17. DEPARTMENT OF ECONOMIC DEVELOPMENT

A. *General Operations*

1958-59	$337,500
1959-60	$313,300

B. *Planning and Zoning Division*

1958-59	$72,265
1959-60	$66,785

C. *Capital City Metropolitan Plan*

1958-59	$9,655
1959-60	$630

D. *Agricultural nad Development Research*

1958-59	$25,000
1959-60	$25,000

TOTAL–DEPARTMENT OF ECONOMIC DEVELOPMENT

1958-59	$444,420
1959-60	$405,715

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18. DEPARTMENT OF BUSINESS REGULATION

A. *Division of Athletic Control*

1958-59	$16,900
1959-60	$16,900

19. DEPARTMENT OF INDUSTRIAL RELATIONS

A. *Department of Industrial Relations.* For general operations other than the Workmen's Compensation Board.

1958-59	$123,340
1959-60	$126,990

20. DEPARTMENT OF MINES AND MINERALS

A. *Department of Mines and Minerals*

1958-59	$250,000
1959-60	$250,600

21. RAILROAD COMMISSION

A. *Railroad Commission*

1958-59	$31,800
1959-60	$32,500

22. DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

A. *Department of Alcoholic Beverage Control*

1958-59	$236,100
1959-60	$236,500

23. APPROPRIATIONS NOT OTHERWISE CLASSIFIED

A. *Money Refunded.* For refunding money paid into the State Treasury, which may be later determined not to be a lawful collection by the State. No money shall be refunded, however, after it has been paid into the State Treasury except by authority of the head of the department or agency to whom the money was originally paid and the approval of the Commissioner of Finance and the Attorney General.

1958-59	The Amount Necessary
1959-60	The Amount Necessary

B. *Bonds of Elective and Appointive Officers.* For payment of premiums on bonds of elected and appointed State Officials who are required by law to execute bonds to the Commonwealth of Kentucky, the payment of which is incumbent upon the State.

1958-59	$13,000
1959-60	$13,000

C. *Judgments.* For payment of such judgments as may be rendered against the Commonwealth by order of Court and approved by the Attorney General.

1958-59	$10,000
1959-60	$10,000

D. *Frankfort Cemetery*

1958-59	$250
1959-60	$250

E. *Franklin Circuit Court.* For purchase of supplies and equipment in accordance with KRS 28.165.

1958-59	$300
1959-60	$300

F. *Statutes, Rules and Regulations for Courts.* For the purpose only of purchasing from the Legislative Research Commission copies of the official statutes of Kentucky, and annotations thereto, codes of practice and procedure, together with supplements thereto, and administrative regulations compilations in accordance with KRS 57.340, except where the Legislative Research Commission does not publish such material and the Director of the Legislative Research Commission so certifies. In such case, the State Law Librarian is authorized to purchase said material from commercial sources. Any unexpended balance at the end of the first fiscal year of the biennium shall be carried over to the second year.

1958-59	$3,000
1959-60	$3,000

G. *Interstate Oil Compact*

1958-59	$1,000
1959-60	$1,000

H. *Special Legislative Claims*

1958-59	The Amount Necessary
1959-60	The Amount Necessary

I. *Back Tax Collections*

1958-59	The Amount Necessary
1959-60	The Amount Necessary

J. *Prior Year Claims*

1958-59	The Amount Necessary
1959-60	The Amount Necessary

K. *Public Improvements.* For paying assessments for public works against property owned by the State as provided by KRS 93.440 and 94.297.

1958-59	$7,000
1959-60	$7,000

L. *Board of Claims Awards and Costs.* For the payment of awards or judgments made and costs taxed by the Board of Claims against departments, boards, commissions and other agencies maintained by appropriations out of the General Fund.

1958-59	$15,000
1959-60	$15,000

M. *Capital Planning and Zoning Commission.* For expenses of participation in the program of the Commission.

1958-59	$600
1959-60	$1,000

N. *Social Security for Circuit Clerks, Master Commissioners, and Court Reporters*

1958-59	$12,250
1959-60	$12,250

O. *Retirement—Circuit Clerks*

1958-59	$25,000
1959-60	$25,000

P. *Blanket Employee Surety Bonds.* For payment of premiums on blanket surety bonds as provided by KRS 62.170.

1958-59	$6,000
1959-60	$8,500

Q. *Presidential Electors Expense*
1959-60 ---------------------------------- $650

TOTAL—APPROPRIATIONS NOT OTHERWISE CLASSIFIED
1958-59 ---------------------------------- $93,400
1959-60 ---------------------------------- $96,950

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24. COUNTY COSTS

A. *Clerk's Services, Criminal Prosecutions, Jury Commissioners, Trustees of Jury Funds (Circuit Clerks), Commissions on Fines and Forfeitures, Commonwealth's Attorneys, Return of Fugitives from Justice, County Highway Patrol, Premiums on Sheriff's Bonds, Pauper Idiots, and County Boards of Supervisors.* All County Costs are deemed to be necessary governmental expenses and additional funds may be allotted by the Commissioner of Finance.
1958-59 ---------------------------------- $3,034,600
1959-60 ---------------------------------- $3,034,600

25. DEPARTMENT OF INSURANCE

A. *General Operations*
1958-59 ---------------------------------- $296,900
1959-60 ---------------------------------- $299,100

26. KENTUCKY STATE HISTORICAL SOCIETY

A. *Kentucky State Historical Society*
1958-59 ---------------------------------- $30,065
1959-60 ---------------------------------- $32,740

27. LIBRARY EXTENSION DIVISION

A. *General Operations*
1958-59 ---------------------------------- $155,000
1959-60 ---------------------------------- $155,000

B. *Public Library Service Commission*
1958-59 ---------------------------------- $50,000
1959-60 ---------------------------------- $50,000

TOTAL—LIBRARY EXTENSION DIVISION
1958-59 ---------------------------------- $205,000
1959-60 ---------------------------------- $205,000

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28. DEPARTMENT OF PUBLIC RELATIONS

A. *Department of Public Relations*
1958-59 ---------------------------------- $209,405
1959-60 ---------------------------------- $219,020

B. Governor's Commission on Tourist Promotion. To be used by the Department for staff and promotional activities recommended by the Governor's Commission on Tourist Promotion and approved by the Governor.

1958-59	$50,000
1959-60	$50,000

TOTAL–DEPARTMENT OF PUBLIC RELATIONS

1958-59	$259,405
1959-60	$269,020

29. DEPARTMENT OF MOTOR TRANSPORTATION

A. *Division of Motor Vehicle Dealer Licensing*

1958-59	$40,960
1959-60	$40,495

TOTAL–I. GENERAL GOVERNMENT

1958-59	$13,001,240
1959-60	$13,381,850

II. HEALTH AND WELFARE

30. DEPARTMENT OF WELFARE

A. *Central Office.* For expenses of the Office of the Commissioner, Division of Staff Services, Division of Corrections and Division of Farm Management.

1958-59	$200,100
1959-60	$201,800

B. *Kentucky Training Home*

1958-59	$892,500
1959-60	$896,500

C. *Penal Institutions.* For expenses of Kentucky State Reformatory, Kentucky State Penitentiary, and Women's Prison.

1958-59	$2,111,300
1959-60	$2,137,500

D. *Division of Probation and Parole*

1958-59	$470,400
1959-60	$473,200

E. *Parole Board*

1958-59	$40,200
1959-60	$40,400

F. *Children's Services.* For expenses of the Division of Children's Institutions, Kentucky Village and Kentucky Children's Home.

1958-59	$1,117,300
1959-60	$1,127,600

G. *Home for Incurables*

1958-59	$15,000
1959-60	$15,000

H. *Maintenance of Buildings*

1958-59	$100,000
1959-60	$100,000

TOTAL—DEPARTMENT OF WELFARE

1958-59	$4,946,800
1959-60	$4,992,000

31. DEPARTMENT OF ECONOMIC SECURITY

For ordinary expenses of operation and cooperation (matching of funds) with the Federal Government under the Social Security Act of August 14, 1935, and any amendments now in effect or hereinafter enacted and under any act of Congress supplementing said act as amended, including adjustments of prior year or current year accounts necessary to comply with the federal regulations. Also, for the administration of Old Age Assistance, Aid to Dependent Children, Services to Needy Children, Aid to the Needy Blind and Aid to the Permanently and Totally Disabled.

A. *Public Assistance—Administration.* Notwithstanding the provisions of KRS 45.235 and any other provisions of the Kentucky Revised Statutes, any unencumbered balance of this appropriation remaining at the end of the first fiscal year of the biennium shall lapse in accordance with the provisions of KRS 45.230.

1958-59	$1,441,680
1959-60	$1,456,850

B. *Public Assistance Benefits.* For Old Age Assistance Payments, Aid to the Needy Blind, Aid to Dependent Children and Aid to the Permanently and Totally Disabled, and not to be used for costs of administration. Any unexpended balance at the end of the first fiscal year shall be carried over to the second and placed in a reserve fund which may be expended by the Commissioner of Economic Security for the purposes of this appropriation with the approval of the Governor.

1958-59	$12,591,430
1959-60	$12,791,220

C. *Children's Services—Administration.* Notwithstanding the provisions of KRS 45.236 and any other provisions of the Kentucky

Revised Statutes, any unencumbered balance of this appropriation remaining at the end of the first fiscal year of the biennium shall lapse in accordance with the provisions of KRS 45.230.

1958-59	$496,720
1959-60	$504,210

D. *Children's Services—Benefits.* For boarding home care, medical care, and other benefit expenses, and not to be used for costs of administration. Notwithstanding the provisions of KRS 45.236 and any other provisions of the Kentucky Revised Statutes, any unencumbered balance of this appropriation remaining at the end of the first fiscal year of the biennium shall lapse in accordance with the provisions of KRS 45.230.

1958-59	$240,000
1959-60	$260,000

E. *Division of Personnel Security.* For State's share of expenses in administering the Social Security Act.

1958-59	$17,720
1959-60	$17,750

TOTAL—DEPARTMENT OF ECONOMIC SECURITY

1958-59	$14,787,550
1959-60	$15,030,030

32. DEPARTMENT OF HEALTH

A. *General Operations*

1958-59	$1,105,700
1959-60	$1,053,400

B. *County Health*

1958-59	$1,523,600
1959-60	$1,782,000

Any unexpended balance at the end of the 1958-59 fiscal year shall carry forward to the 1959-60 fiscal year.

C. *Red Cross Hospital*

1958-59	$15,000
1959-60	$10,000

D. *Julius Marks Tuberculosis Sanatorium*

1958-59	$90,000
1959-60	$90,000

E. *Covington-Kenton County Tuberculosis Sanatorium*

1958-59	$45,000
1959-60	$45,000

F. *Warren County Tuberculosis Sanatorium*

1958-59	$32,400
1959-60	$32,400

G. *Waverly Hills Tuberculosis Sanatorium*

1958-59 ---------------------------------- $250,000
1959-60 ---------------------------------- $250,000

H. *Water Pollution Control Commission*

1958-59 ---------------------------------- $29,600
1959-60 ---------------------------------- $30,300

I. *American Society for Control of Cancer—Kentucky Division*

1958-59 ---------------------------------- $45,000
1959-60 ---------------------------------- $45,000

J. *Rural Medical Scholarship Fund.* To be expended for the purposes of the present rural medical scholarship fund only.

1958-59 ---------------------------------- $25,000
1959-60 ---------------------------------- $25,000

TOTAL—DEPARTMENT OF HEALTH

1958-59 ---------------------------------- $3,161,300
1959-60 ---------------------------------- $3,363,100

33. KENTUCKY CRIPPLED CHILDREN COMMISSION

A. *Kentucky Crippled Children Commission*

1958-59 ---------------------------------- $241,300
1959-60 ---------------------------------- $243,700

34. STATE TUBERCULOSIS HOSPITAL COMMISSION

A. *State Tuberculosis Hospital Commission.* For administrative and operating expenses of the Commission and institutions under its control and supervision.

1958-59 ---------------------------------- $2,450,815
1959-60 ---------------------------------- $2,472,195

35. DEPARTMENT OF MENTAL HEALTH

A. *Department of Mental Health*

1958-59 ---------------------------------- $8,189,340
1959-60 ---------------------------------- $8,282,330

TOTAL—II. HEALTH AND WELFARE

1958-59 ---------------------------------- $33,777,105
1959-60 ---------------------------------- $34,383,355

III. EDUCATION

36. DEPARTMENT OF EDUCATION

A. *General Operations.* For expenses of the divisions within the department and the State Board of Education.

1958-59	$813,430
1959-60	$829,135

B. *Division of Education for Veterans (Veterans' Approval Agency).* For payment of administrative expenses in connection with the approval of educational institutions for training and educating veterans for which reimbursement is made by the Federal Government. This appropriation shall not lapse at the end of the fiscal year 1958-59, but shall be available during the second year of the biennium, and shall lapse at the end of the biennium.

1958-59	$14,000

C. *School Foundation Program*

1958-59	$60,105,700
1959-60	$62,481,300

The State Board of Education shall not approve any working budget or salary schedule for local boards of education for the school years 1958-59 and 1959-60 in which the total amount budgeted for teachers' salaries is not equal to or greater than the amount to be included in the Foundation Program for a district for teachers' salaries as determined under KRS 157.390. No working budget or salary schedule shall be approved in which the average salary paid any rank of teacher is not at least equivalent to the allotment for that rank and in which any teacher is paid less than ninety per cent of the Foundation Program allotment for that rank.

The Superintendent of Public Instruction shall not allot to any school district more basic classroom units than the number of teachers employed by that school district for basic classroom units. No basic classroom units shall be allotted which increase in 1958-59 or 1959-60 the differential between the pupil-teacher ratio of the secondary grades (9-12) and the elementary grades (1-8) in 1957-58. No basic classroom units shall be approved which provide in a given building or school a lower pupil-teacher ratio than twenty-seven in average daily attendance to one or the pupil-teacher ratio which obtained in 1957-58, whichever is lower.

The Superintendent of Public Instruction shall allot classroom units for superintendents, principals, their certified assistants and special instructional personnel as provided in KRS 157.360, subsection 6, only for personnel who are qualified for their respective positions under provisions of law and regulations of the State Board of Education and who maintain programs approved under regulations of the State Board of Education.

The number of units allotted by the Superintendent of Public Instruction for vocational education and the education of exceptional children shall not exceed the following:

	1958-59	1959-60
Vocational Agriculture	260	265
Vocational Home Economics	375	386
Trades and Industries	70	75
Distributive Occupations	20	25
Exceptional Children	158	180

The Superintendent of Public Instruction shall not allot a full classroom unit for any one-teacher school with fewer than 25 pupils in average daily attendance unless it has been determined on the basis of a survey that no facilities are available to which these pupils could be transported under regulations of the State Board of Education and no full classroom units shall be allotted for any one-teacher school which has fewer than 12 pupils in average daily attendance.

Facilities that are used to house school children shall be approved by the Superintendent of Public Instruction under KRS 162.060 and 162.160. No alterations or additions of old buildings shall be made without prior approval of the Superintendent of Public Instruction. No space shall be rented or purchased and converted to classroom use without prior approval of the Superintendent of Public Instruction. The State Board of Education may adopt regulations for the approval on an annual basis of temporary facilities for the housing of school children but these regulations shall not permit the division of any present room by partitions of nonstructural material. No classroom units shall be allotted for a second teacher in the same classroom. No facilities shall be approved for classroom use which are detrimental to the health of or dangerous to the safety of school children.

If a school district operates any school or grade of a school for a term of less than nine scholastic months or for a school day of less than the minimum required by KRS 158.060, the average daily attendance of such school shall be reduced proportionately by the Superintendent of Public Instruction in determining the allotment of classroom units provided for under KRS 157.360, subsection 2, except as provided for by regulations of the State Board of Education.

If at the time of the tentative allotment of school funds under KRS 157.310 through 157.440, it shall be determined that insufficient revenue is available to finance in full the Foundation Program including a provision that no district receive less than $80 per child in average daily attendance and no district receive less total state aid than it received from the Per Capita Fund in 1955-56, the Superintendent of Public Instruction shall not allot any classroom units under KRS 157.360, subsection 3. So much of the public school foundation program fund, which would not be distributed during 1958-59 due to the failure of one or more participating districts to meet the full requirements, shall be held in account for distribution the following year among districts which meet requirements for participation.

Beginning August 1 of each year and on the first of each month thereafter for seven successive months, one-twelfth of each district's share of the foundation program fund less capital outlay shall be distributed. On or before March 1 of each year the Superintendent of Public Instruction shall determine the exact amount of the public school foundation program fund to which each district is entitled, and the remainder of the amount due each district for the year less capital outlay shall be distributed in four equal installments beginning March 15 and for three successive months thereafter. Capital outlay allotments may be made twice a year.

C-1. *School District Payments in Lieu of Taxes.* For payment to school districts which receive federal grants in lieu of taxes contingent upon the revision of KRS 157.380 by the 1958 General Assembly.

1958-59	$193,200
1959-60	$196,200

D. *Free Textbooks.* For the purchase of textbooks as provided for in KRS 157.100 and 157.190.

1958-59	$1,275,000
1959-60	$1,275,000

E. *Vocational Education-Adult Special Programs*

1958-59	$409,090
1959-60	$407,995

To be expended in accordance with regulations of the State Board of Education.

F. *Out-of-District Children*

1958-59	$30,000
1959-60	$30,000

G. *Kentucky School for the Blind*

1958-59	$227,815
1959-60	$230,410

H. *Mayo State Vocational School*

1958-59	$199,180
1959-60	$208,015

I. *Northern Kentucky Vocational School*

1958-59	$64,785
1959-60	$66,730

J. *West Kentucky Vocational School*

1958-59	$120,775
1959-60	$128,300

K. *The Division of Rehabilitation Services*

1958-59	$250,000
1959-60	$250,000

Any unexpended balance at the end of the first fiscal year of the biennium not to exceed $10,000 shall be carried over to the second year.

L. *Kentucky Industries for the Blind*

1958-59	$25,385
1959-60	$25,385

TOTAL—DEPARTMENT OF EDUCATION

1958-59	$63,728,360
1959-60	$66,128,470

37. COUNCIL ON PUBLIC HIGHER EDUCATION

A. *Council on Public Higher Education—Administration.* To be expended only for the salaries and expenses of a full-time staff to administer the functions of the Council including administration of the Veterinary Medicine Scholarship Program and the Medical Education Program.

1958-59	$16,000
1959-60	$16,500

B. *Southern Regional Education Board.* For participation in the activities of the Southern Regional Education Board including the Mental Health Council and the Veterinary Medicine Program.

1958-59	$97,000
1959-60	$97,000

C. *Medical Education Program*

1958-59	$500,000
1959-60	$500,000

TOTAL—COUNCIL ON PUBLIC HIGHER EDUCATION

1958-59	$613,000
1959-60	$613,500

38. UNIVERSITY OF KENTUCKY

A. *Division of Colleges*

1958-59	$5,606,000
1959-60	$6,116,600

B. *Interest on Land Grant Bonds*

1958-59	$8,700
1959-60	$8,700

C. *Agricultural Experiment Station*

1958-59	$796,000
1959-60	$827,000

D. *Agricultural Extension.* For expenses of Agricultural Extension, and participation under the Hope-Flannigan Act (Agricultural Extension).

1958-59	$931,000
1959-60	$972,000

E. *Medical Center*

1958-59	$438,400
1959-60	$978,500

F. *Water Investigations*

1958-59	$102,200
1959-60	$102,200

G. *Topographic Mapping*

1958-59	$12,000
1959-60	$16,000

H. *Minerals Investigations*

1958-59	$44,100
1959-60	$44,100

I. *East Kentucky Mineral and Water Survey*

1958-59	$25,000
1959-60	$25,000

TOTAL—UNIVERSITY OF KENTUCKY

1958-59	$7,963,400
1959-60	$9,090,100

39. EASTERN STATE COLLEGE

A. *Eastern State College*

1958-59	$1,131,980
1959-60	$1,255,000

40. MOREHEAD STATE COLLEGE

A. *Morehead State College*

1958-59	$879,600
1959-60	$983,420

41. MURRAY STATE COLLEGE

A. *Murray State College*

1958-59	$1,046,210
1959-60	$1,156,125

42. WESTERN STATE COLLEGE

A. *Western State College*

1958-59	$1,081,720
1959-60	$1,175,590

43. KENTUCKY STATE COLLEGE

A. *Kentucky State College*

1958-59	$583,580
1959-60	$629,060

44. TEACHERS' RETIREMENT SYSTEM

A. *Teachers' Retirement System.* For administering and complying with the obligations of the State under the Teachers' Retirement Act, namely, KRS 161.220 to 161.710.

1958-59	$4,467,200
1959-60	$4,643,800

45. SCHOOL FOR THE DEAF

A. *School for the Deaf*

1958-59	$397,700
1959-60	$402,500

46. LINCOLN INSTITUTE

A. *Lincoln Institute*

1958-59	$131,810
1959-60	$137,395

TOTAL—III. EDUCATION

1958-59	$82,024,560
1959-60	$86,214,960

IV. AGRICULTURE AND CONSERVATION

47. DEPARTMENT OF AGRICULTURE

A. *General Operations*

1958-59	$429,620
1959-60	$431,850

B. *Livestock Sanitation and Disease Control*

1958-59	$400,000
1959-60	$400,000

C. *Contingency Appropriation*

1958-59	$200,000
1959-60	$200,000

To be used for livestock sanitation and disease control, contingent upon the expenditure by the federal government of an amount in excess of $400,000 in Kentucky each year of the biennium for this program. To be allotted according to the provisions of Chapter 45 of the Kentucky Revised Statutes except that allotments shall be made by the Commissioner of Finance in amounts comparable to federal government expenditures in Kentucky in each year of the biennium for this program.

TOTAL—DEPARTMENT OF AGRICULTURE

1958-59	$1,029,620
1959-60	$1,031,850

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48. STATE FAIR BOARD

A. *State Fair Premiums*

1958-59	$125,000
1959-60	$125,000

B. *State Fair Exposition Center Debt Retirement Deficit*

1958-59	$80,000

TOTAL—STATE FAIR BOARD

1958-59	$205,000
1959-60	$125,000

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49. DEPARTMENT OF CONSERVATION

A. *Office of the Commissioner*

1958-59	$119,100
1959-60	$119,300

B. *Division of Forestry*

1958-59	$458,600
1959-60	$458,900

C. *Division of Parks*

1958-59	$275,000
1959-60	$275,000

D. *Division of Soil and Water Resources*

1958-59	$104,400
1959-60	$104,800

E. *Division of Flood Control and Water Usage*

1958-59	$113,600
1959-60	$113,900

F. *Ohio River Valley Sanitation Commission*

1958-59	$27,560
1959-60	$27,560

TOTAL – DEPARTMENT OF CONSERVATION

1958-59	$1,098,200
1959-60	$1,099,460

50. BREAKS INTERSTATE PARK COMMISSION

A. *Breaks Interstate Park Commission.* For construction, maintenance and operation of Breaks Interstate Park.

1958-59	$50,000
1959-60	$50,000

TOTAL – IV. AGRICULTURE AND CONSERVATION

1958-59	$2,382,880
1959-60	$2,306,310

V. OTHER

51. DEPARTMENT OF FINANCE

A. *Capital Construction.* For expenditure in accordance with the provisions of Chapter 56 of the Kentucky Revised Statutes. Any unencumbered balance of this appropriation and of prior capital construction appropriations including balances of appropriations of the State Property and Buildings Commission which were transferred to the Department of Finance by Chapter 56 of the Kentucky Revised Statutes and which remain on June 30, 1958, may be expended thereafter and shall not lapse but shall be carried forward until expended. All monies transferred to the Department of Finance for capital construction from other appropriations in accordance with KRS 56.510 shall not lapse but shall be carried forward until expended. This appropriation shall include $12,000,000 in 1958-59 for the purpose of constructing buildings for the medical school at the University of Kentucky. This appropriation shall include $450,000 for the purpose of developing and improving state parks.

1958-59	$17,568,500
1959-60	$ 2,425,000

52. KENTUCKY COMMISSION ON ALCOHOLISM

A. *Kentucky Commission on Alcoholism*

1958-59	$25,000
1959-60	$25,000

53. INDIGENT MEDICAL AND HEALTH PROGRAM

A. *Indigent Medical and Health Program.* To be expended in a program of providing medical care to indigent citizens of the Commonwealth of Kentucky, contingent upon passage by the 1958 General Assembly, enabling legislation creating a program of medical care to indigent citizens.

1958-59	$ 75,000
1959-60	$125,000

TOTAL – V. OTHER

1958-59	$17,668,500
1959-60	$ 2,575,000

GRAND TOTAL

1958-59	$148,854,285
1959-60	$138,861,475

PART TWO

STATE ROAD FUND

There is established for the purpose of paying all costs of operation and maintenance of the Department of Highways and for carrying on its activities and functions, a State Road Fund which shall consist of all the revenue realized from fees, taxes and license fees levied for state road purposes now authorized by law, and any additional or other revenues, grants or funds, including any amount which may be received from Federal aid or any other source pursuant to the provisions of KRS 177.030, made available for the construction or reconstruction of public roads or for any other of the activities administered by the Department of Highways. Such receipts and revenues, together with any balance in the existing State Road Fund as of June 30, 1958, shall constitute the State Road Fund for the fiscal years 1958-59 and 1959-60. There is appropriated from the State Road Fund the following amounts for the following departments, agencies, and subdivisions of the State Government, for the following purposes:

I. HIGHWAY DEPARTMENT GENERALLY

1. DEPARTMENT OF HIGHWAYS

A. *Department of Highways.* For use by the Department in activities, functions, and duties performed by it as prescribed by law, all monies received and placed to the credit of the State Road Fund, not otherwise appropriated in this or any other Act.

2. RURAL HIGHWAYS

A. *Division of Rural Highways.* For improvement, construction, reconstruction and maintenance of county roads and bridges, which have not been accepted by the Department of Highways for maintenance, the sum of Five Million Dollars ($5,000,000) for each of the fiscal years 1958-59 and 1959-60. This appropriation is to be expended in accordance with the provisions of KRS 179.410 to 179.430. Not more than six per cent (6%) of this appropriation shall be used for administration.

B. *Secondary and Rural Roads.* For the construction, reconstruction, and maintenance of secondary and rural roads, two-sevenths of all revenue received under the provisions of KRS 138.320. This appropriation is in addition to the amount appropriated under Section I, Subsection 2, Paragraph A, of Part Two of the Appropriation Act.

II. APPROPRIATIONS TO DEPARTMENTS AND AGENCIES OTHER THAN HIGHWAYS

3. DEPARTMENT OF THE TREASURY

A. *Department of the Treasury.* For expenses pertaining to treasury administration for the Department of Highways.

1958-59	$58,940
1959-60	$57,715

4. DEPARTMENT OF FINANCE

A. *Department of Finance.* For expenses pertaining to financial administration for the Department of Highways.

1958-59	$196,580
1959-60	$197,550

B. *Division of Services.* For expenses of operation of buildings for the Department of Highways.

1958-59	$110,590
1959-60	$111,300

5. DEPARTMENT OF PERSONNEL

A. *Department of Personnel.* For expenses pertaining to personnel administration for the Department of Highways.

1958-59	$71,565
1959-60	$72,100

6. DEPARTMENT OF REVENUE

A. *Department of Revenue.* For administering and enforcing the laws pertaining to the gasoline, motor fuels and any other taxes comprising the State Road Fund, and administering and enforcing the laws relating to motor vehicle registration and other laws relating to motor vehicles and highways.

1958-59	$1,059,300
1959-60	$1,074,700

7. DEPARTMENT OF PUBLIC SAFETY

A. *General Operations.* To be used for the Office of the Commissioner, Division of State Police and Division of Accident Control for expenses pertaining to the enforcement of laws relating to highway use and safety.

1958-59	$4,123,835
1959-60	$4,240,580

B. *Division of Operator Responsibility.* For expenses pertaining to the enforcement of laws relating to motor vehicle operators responsibility.

1958-59	$151,280
1959-60	$153,810

8. UNIVERSITY OF KENTUCKY

For expenses pertaining to the acquisition of data used in highway planning and construction.

A. *Topographic Mapping Program*

1958-59	$12,000
1959-60	$16,000

B. *Water Investigations*

1958-59	$51,100
1959-60	$51,100

9. DEPARTMENT OF MOTOR TRANSPORTATION

A. *Department of Motor Transportation*

1958-59	$457,485
1959-60	$460,495

10. DEPARTMENT OF PUBLIC RELATIONS

A. *Department of Public Relations.* For expenses incident to the preparation, publication and distribution of road maps, booklets, photographs, advertisements and other activities intended to advertise and publicize Kentucky highways and highway conditions, tourist, scenic and travel attractions and places of interest to motorists.

1958-59	$250,000
1959-60	$250,000

TOTAL – APPROPRIATIONS TO DEPARTMENTS AND AGENCIES OTHER THAN HIGHWAYS

1958-59	$6,542,675
1959-60	$6,685,350

III. ADMINISTRATION AND EFFECT

All funds appropriated to the Department of Highways by Section I of Part Two of this Act (Highway Department Generally) shall be allocated equitably by the Commissioner of Highways, with the approval of the Commissioner of Finance, between the various activities and functions of the Department of Highways.

The appropriations made by this Act are subject to the provisions of Chapters 12, 42, and 45 of the Kentucky Revised Statutes. Nothing in this Act shall be construed to repeal any appropriation for the fiscal year to the State Road Fund ending June 30, 1958.

PART THREE

REVOLVING, TRUST AND AGENCY FUNDS

There is appropriated to the various boards, commissions, institutions, agencies and/or subdivisions of the State Government only as are listed herein for the fiscal year ending June 30, 1959, and for the fiscal year ending June 30, 1960, all of the fees (which include fees for board and room, athletics, student activities) and rentals, admittances, sales, licenses collected by law, contributions, gifts, subventions, federal grants and other federal receipts and other miscellaneous receipts produced or received by any of the following agencies of the State Government, except as otherwise specifically provided, for the use and benefit of each of the below-named agencies of the State Government for the purposes for which each fund is authorized. Receipts which are received by each of the respective agencies of the State Government listed herein shall be placed to the credit of a Revolving or Trust and Agency Fund out of which shall be established separate Revolving or Trust and Agency Fund Accounts for the use and benefit of these agencies of the State Government for purposes for which each fund is authorized.

In the event receipts received and credited to any Revolving or Trust and Agency Fund Account during fiscal year 1958-59 or fiscal year 1959-60 and any balance forwarded to the credit of any such account from the previous fiscal year exceed the appropriation made by specific sum to said account in this Part of this Appropriation Act, the excess is appropriated to the credit of said account for the fiscal year in which the excess occurs; provided, however, that said excess shall become available for expenditure for the purpose of the account during said year only with the authorization of the Commissioner of Finance and approval of the Governor.

Except as herein otherwise provided, the appropriate agency may requisition for expenditure from the Revolving or Trust and Agency Fund Account, through the Department of Finance, during the fiscal year ending June 30, 1959, and during the fiscal year ending June 30, 1960, all receipts placed to the credit of the Revolving or Trust and Agency Fund for such year, out of which has been established a revolving or Trust and Agency Fund Account for each separate agency during such fiscal year, plus any balance which said agency may have had forwarded from the preceding year on or before September 30, of the then current fiscal year, by the Department of Finance.

I. GENERAL GOVERNMENT

1. LEGISLATIVE RESEARCH COMMISSION

A. *Statute Revision—Administrative Regulations*

B. *Statute Revision Commission—Printing Revolving Fund.* To be used for the printing and the distribution costs of the Kentucky Revised Statutes, Notes and Annotations to the Kentucky Revised Statutes, and supplements to these publications. Reimbursement shall be made to this account from sales of these publications.

2. JUDICIARY

A. *Board of Bar Examiners*

1958-59	$10,500
1959-60	$10,500

3. AUDITOR OF PUBLIC ACCOUNTS

A. *Auditor of Public Accounts*

1958-59	$27,800
1959-60	$27,800

4. DEPARTMENT OF FINANCE

A. *Paper Revolving Fund.* The balance in the Paper Revolving Fund and all receipts credited to the Fund during the 1958-59 fiscal year and during the 1959-60 fiscal year are appropriated for use during that period.

B. *Division of Services Revolving Fund.* To be used to purchase and provide stamps and postage, supplies and equipment for the various budget units of State Government. Reimbursement shall be made to this account by the various budget units for materials, supplies and utility services furnished and services rendered. Any funds to the credit of this account shall be available for expenditure for any of the purposes specified herein but such accounting practices shall be maintained by the division as will accurately reflect the financial condition of the various functions being performed with the funds in the account. Any unexpended balance remaining at the end of the fiscal year 1958-59 shall not lapse, but shall be available for expenditure during the following fiscal year.

C. *Central Stores Revolving Fund.* Any funds to the credit of the Central Stores Revolving Fund shall be available for purchase of supplies and services. Reimbursements shall be made to this account by the budget unit for supplies and services used. Any unexpended balance remaining at the end of fiscal year 1958-59 shall not lapse but shall be available for expenditure during the following fiscal year.

D. *Capital Construction.* All real estate rentals, sales and other receipts including all such receipts collected during the fiscal years ending June 30, 1957, and June 30, 1958, pursuant to the provisions of Chapter 56 of the Kentucky Revised Statutes.

5. DEPARTMENT OF AERONAUTICS

A. *Office of the Commissioner*

1958-59	$10,099
1959-60	$ 2,300

B. *Airport Development*

6. DEPARTMENT OF PUBLIC SAFETY

A. *Division of State Police*

1958-59	$164,920
1959-60	$ 96,500

7. DEPARTMENT OF ECONOMIC DEVELOPMENT

A. *General Operations*

1958-59	$18,300
1959-60	$27,000

B. *Planning and Zoning Division*

1958-59	$112,180
1959-60	$112,500

C. *Capital City Metropolitan Plan*

1958-59	$28,970
1959-60	$ 3,245

8. DEPARTMENT OF BUSINESS REGULATION

A. *Board of Accountancy*

B. *Board of Psycholgoy*

C. *Board of Examiners and Registration of Architects*
D. *Board of Barber and Beautician Examiners*
E. *Board of Chiropractic Examiners*
F. *Board of Dental Examiners*
G. *Board of Embalmers and Funeral Directors*
H. *Board of Pharmacy*
I. *Board of Prophylactic Enforcement*
J. *Board of Nursing Education and Nurse Registration*
K. *Board of Veterinary Examiners*
L. *Board of Registration for Professional Engineers*
M. *Kentucky Real Estate Commission*
N. *Board of Optometric Examiners*
O. *Board of Chiropody*
P. *Board of Ophthalmic Dispensers*

9. DEPARTMENT OF INDUSTRIAL RELATIONS

A. *Department of Industrial Relations — Workmen's Compensation*

1958-59	$247,735
1959-60	$251,120

10. DEPARTMENT OF MINES AND MINERALS

A. *Department of Mines and Minerals*

1958-59	$77,200
1959-60	$86,400

11. DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

A. *Confiscation Expense*

1958-59	$5,000
1959-60	$5,000

12. DEPARTMENT OF BANKING

A. *Department of Banking*

1958-59	$166,760
1959-60	$167,980

B. *Division of Securities*

1958-59	$11,420
1959-60	$11,420

13. COUNTY FEES

A. *Jefferson County Master Commissioner*

B. *Jefferson County Receiver*

C. *Jefferson County Fees.* For paying various officials of Jefferson County seventy-five per cent (75%) of the fees provided by law to be paid by the State to such officials when such claims for fees have been presented to the Department of Finance in the form and manner prescribed by law and approved by the Commissioner of Finance, and to pay to the Fiscal Court of said County twenty-five per cent (25%) of said fees as may be required by KRS 64.350.

D. *Kenton County Fees.* For paying various officials of Kenton County seventy-five per cent (75%) of the fees provided by law to be paid by the State to such officials when such claims for fees have been presented to the Department of Finance in the form and manner prescribed by law and approved by the Commissioner of Finance, and to pay to the Fiscal Court of said County twenty-five per cent (25%) of said fees as may be required by KRS 64.350.

E. *Fayette County Fees.* For paying various officials of Fayette County seventy-five per cent (75%) of the fees provided by law to be paid by the State to such officials when such claims for fees have been presented to the Department of Finance in the form and manner prescribed by law and approved by the Commissioner of Finance, and to pay to the Fiscal Court of said County twenty-five per cent (25%) of said fees as may be required by KRS 64.350.

F. *Campbell County Fees.* For paying various officials of Campbell County seventy-five per cent (75%) of the fees provided by law to be paid by the State to such officials when such claims for fees have been presented to the Department of Finance in the form and manner prescribed by law and approved by the Commissioner of Finance and to pay to the Fiscal Court of said County twenty-five per cent (25%) of said fees as may be required by KRS 64.350.

G. *Pike County Fees.* For paying various officials of Pike County seventy-five per cent (75%) of the fees provided by law to be paid by the State to such officials when such claims for fees have been presented to the Department of Finance in the form and manner prescribed by law and approved by the Commissioner of Finance, and to pay to the Fiscal Court of said County twenty-five per cent (25%) of said fees as may be required by KRS 64.350.

14. TRUCK LICENSES—COUNTY SHARE

A. *Truck Licenses—County Share.* There shall be credited to this fund for the purpose of distribution to counties such portion of truck licenses as is provided by law, at such times as the Department of Finance may order.

15. DEPARTMENT OF INSURANCE

Notwithstanding any provisions of KRS 136.360, 234.160, 228.030, and 304.463 to the contrary, the following receipts only are authorized to be placed to the credit of the Trust and Agency Fund and are authorized for expenditure out of the Trust and Agency Fund. All other receipts collected during the 1958-60 biennium shall be placed to the credit of the General Expenditure Fund.

A. *Custodian of Securities.* All sums paid for expenses under the provisions of KRS 304.503.

B. *Insurance Examiners Expense.* All fees paid pursuant to the provisions of KRS 304.503. Notwithstanding the provisions of KRS 304.035 to the contrary, any amount unexpended at the end of the 1957-58 fiscal year and each fiscal year thereafter in excess of $10,000 shall lapse to the General Expenditure Fund.

C. *State Fire and Tornado Insurance Fund.* All money remaining in the Fund as of June 30, 1958, and all money placed to the credit of the Fund during the 1958-60 biennium, except that notwithstanding the provision of KRS 56.150 to the contrary, no funds may be used for expenses of administration.

16. KENTUCKY HISTORICAL SOCIETY

A. *Kentucky Historical Society*

1958-59	$12,235
1959-60	$10,460

17. LIBRARY EXTENSION DIVISION

A. *Library Extension Division*

1958-59	$220,015
1959-60	$220,015

18. PUBLIC SERVICE COMMISSION

A. *Public Service Commission*

1958-59	$246,550
1959-60	$248,820

19. DEPARTMENT OF PUBLIC RELATIONS

A. *Department of Public Relations*

1958-59	$10,000
1959-60	$10,000

II. HEALTH AND WELFARE

1. DEPARTMENT OF WELFARE

A. *Central Office*

B. *Kentucky Training Home*

1958-59	$25,000
1959-60	$25,000

C. *Penal Institutions*

1958-59	$172,000
1959-60	$158,000

D. *Children's Services*

1958-59	$46,900
1959-60	$37,900

E. *Prison Industries*

1958-59	$829,700
1959-60	$934,000

2. DEPARTMENT OF ECONOMIC SECURITY

A. *Department of Economic Security*

B. *Kentucky Employees Retirement System*

1958-59	$57,000
1959-60	$57,500

3. DEPARTMENT OF HEALTH

A. *General Operations*

1958-59	$1,088,500
1959-60	$1,038,500

B. *County Health*

1958-59	$245,400
1959-60	$245,400

C. *Water Pollution Control Commission*

1958-59	$54,900
1959-60	$54,900

4. KENTUCKY CRIPPLED CHILDREN COMMISSION

A. *Kentucky Crippled Children Commission*

5. STATE TUBERCULOSIS HOSPITAL COMMISSION

A. *State Tuberculosis Hospital Commission*

1958-59	$195,285
1959-60	$194,550

6. DEPARTMENT OF MENTAL HEALTH

A. *Department of Mental Health*

1958-59	$708,300
1959-60	$643,300

III. EDUCATION

1. DEPARTMENT OF EDUCATION

A. *General Operations*

1958-59	$143,885
1959-60	$122,720

B. *Division of Property Utilization (Surplus Property)*

1958-59	$250,080
1959-60	$251,780

C. *Division of Education for Veterans (Veterans' Approval Agency)*

1958-59	$50,230
1959-60	$50,655

D. *School Foundation Program*

1958-59	$583,600
1959-60	$583,600

E. *School Lunch Program*

1958-59	Amount Received
1959-60	Amount Received

F. *School Milk Program*

1958-59	Amount Received
1959-60	Amount Received

G. *Vocational Education—Adult—Special*

1958-59	$689,565
1959-60	$674,470

H. *Vocational Education—Veterans' Program*

1958-59	$203,540
1959-60	$131,570

I. *Jeannes Fund*

1958-59	$620
1959-60	$620

J. *Mayo State Vocational School*

1958-59	$118,780
1959-60	$112,400

K. *Northern Kentucky Vocational School*

1958-59	$15,335
1959-60	$14,000

L. *West Kentucky Vocational School*

1958-59	$57,825
1959-60	$52,700

M. *Division of Rehabilitation Services*

1958-59	$492,680
1959-60	$543,285

N. *Kentucky Industries for the Blind Revolving Fund.* To be used to purchase and provide materials to be used in producing items at the Kentucky Industries for the Blind. Reimbursement shall be made to this fund from the sale of the completed products. Any unexpended balance remaining at the end of the 1958-59 fiscal year shall not lapse but shall be available for expenditure during any following fiscal year.

O. *Business Enterprise Program*

1958-59	$8,775
1959-60	$9,135

P. *OASI Disability Determination Program*

2. UNIVERSITY OF KENTUCKY

A. *University of Kentucky*

1958-59	$5,917,100
1959-60	$6,109,500

B. *Medical Center*

1959-60	$20,000

3. EASTERN STATE COLLEGE

A. *Eastern State College*

1958-59	$552,220
1959-60	$584,800

4. WESTERN STATE COLLEGE

A. *Western State College*

1958-59	$545,630
1959-60	$576,290

5. MURRAY STATE COLLEGE

A. *Murray State College*

1958-59	$685,690
1959-60	$722,080

6. MOREHEAD STATE COLLEGE

A. *Morehead State College*

1958-59	$504,800
1959-60	$519,740

7. KENTUCKY STATE COLLEGE

A. *Kentucky State College*

1958-59	$249,950
1959-60	$260,170

8. TEACHERS' RETIREMENT SYSTEM

A. *Teachers' Retirement System*

9. LINCOLN INSTITUTE

A. *Lincoln Institute*

1958-59	$134,515
1959-60	$132,000

10. KENTUCKY SCHOOL FOR THE DEAF

A. *Kentucky School for the Deaf*

1958-59	$3,500
1959-60	$3,500

IV. AGRICULTURE AND CONSERVATION

1. DEPARTMENT OF AGRICULTURE

A. *Department of Agriculture*

1958-59	$85,315
1959-60	$85,765

B. *Dog Law—Administration and Indemnities and County Share*

2. STATE FAIR BOARD

A. *State Fair Board*

3. DEPARTMENT OF CONSERVATION

A. *Division of Forestry*

1958-59	$433,700
1959-60	$442,800

B. *Division of Parks*

1958-59 ________________________________$2,316,500
1959-60 ________________________________$2,325,500

C. *Division of Strip Mining and Reclamation*

1958-59 ___________________________________$65,800
1959-60 ___________________________________$67,100

D. *Division of Soil and Water Resources*

4. DEPARTMENT OF FISH AND WILDLIFE RESOURCES

A. *Department of Fish and Wildlife Resources*

5. KENTUCKY NATIONAL PARK COMMISSION

A. *Kentucky National Park Commission*

V. OTHER

1. KENTUCKY COMMISSION ON ALCOHOLISM

A. *Kentucky Commission on Alcoholism*

PART FOUR

GENERAL PROVISION

1. Nothing in this Act shall be construed to repeal any appropriation for the fiscal year ending June 30, 1958, and nothing in this Act is to be construed to amend or alter the provisions of Chapter 42 of the Kentucky Revised Statutes pertaining to the duties and powers of the Commissioner of Finance. All questions that arise in interpreting any appropriation in this Act as to the purpose for which the same may be expended shall be decided by the Commissioner of Finance in accordance with the detailed estimates embodied in the budget report as considered by the General Assembly, and the decision of the Commissioner of Finance shall be final and conclusive.

2. Whereas, the finances of the Commonwealth can not be ascertained at this time, and since the actual needs of each officer, department, board, commission, institution, or subdivision of the State Government can only be anticipated and not finally determined by the Legislature, and since the total amount of revenue accruing to the General Expenditure Fund from which these appropriations are made can only be anticipated through existing laws and those that may hereafter be enacted, it is the purpose and intention of this Act that the expenditures for each fiscal year under Part I in this Act shall not exceed the total revenues anticipated to accrue to the General Expenditure Fund for the same fiscal year. As the conditions can not be fully determined until after the adjournment of the 1958 General Assembly, and as the needs of each officer, department, board, commission, institution, or subdivision of the State Government and the total revenues accruing to the General Fund can not be fully determined at this time, it is the intention and the purpose of this General Assembly that the Commissioner of Finance, with the advice of the

Commissioner of Revenue and the approval of the Governor of the Commonwealth, is authorized, empowered and directed to ascertain and determine the needs of each officer, department, board, commission, institution or subdivision of the State Government, and to ascertain the total revenue anticipated to accrue to the General Expenditure Fund of the Commonwealth, and upon the ascertainment and determination of said facts, he, the Commissioner of Finance, in the manner set forth and as provided by general law, is authorized, empowered and directed by the General Assembly to prevent an overdraft or deficit in any fiscal year for which appropriations are herein made, by equitably reducing, according to need, without discrimination, the appropriations herein made in Part I to any officer, department, board, commission, institution, or subdivision of the State Government; provided that the power vested shall not permit any reduction of the appropriation of any officer, department, board, commission, institution, or subdivision of the State Government that will actually impair the necessary constitutional functions of any agency whose operations and functions are determined to be necessary constitutional functions of government.

3. In the event receipts to the General Expenditure Fund from current revenues for the fiscal year 1957-58 exceed One Hundred Thirty Million Dollars ($130,000,000) and for the fiscal year 1958-59 exceed One Hundred Thirty-One Million Dollars ($131,000,000), such excesses are appropriated to the Department of Finance to be used for capital construction in accordance with the provisions of Chapter 56 of the Kentucky Revised Statutes.

4. In enacting this Budget Appropriation Law, it is the deliberate intention of the General Assembly to enact each section, and each subsection thereof, as a separate and/or specific appropriation and law, and if any section or any subsection thereof shall be held invalid, or unconstitutional, the decision of the courts shall not affect or impair any of the remaining sections, subsections, or provisions contained herein.

5. All continuing appropriations in existence at the time this Act takes effect are discontinued and repealed by this Act, except as provided by Chapters 12, 42, 45, 56, and 177 of the Kentucky Revised Statutes. All laws and parts of laws in conflict with any of the provisions of the above enactments, to the extent of such conflict, are repealed.

Representative Everett moved the Previous Question on **HB 1.** Agreed.

Representative Everett moved that **HB 1** be placed on passage. Agreed.

On roll call, the vote was yeas 62—Bach, Bartley, Billington, Brown, Buchanan, Buckner, Burress, Bush, Casey, Chaudoin, Clore, Coffey, Combs, E. E. Cook, P. W. Cornett, Cottengim, W. F. Davis, Dempsey, Duff, Everett, Finney, Fitzpatrick, Gay, Gullette, Hahn, Hale, Haley, Hart, Henry, Hinkle, Hislope, Hodges, Howard, Isler, H. N. Johnson, Kincer, Kubale, McGuire, McReynolds, Mackey, Moore, Newberry, Peace, Qualls, Ratcliffe, Rayburn, Reed, Render, C. R. Reynolds, R. Reynolds, Richards, Smith, Sowards, Stith, Tanner, Tinsley, Ed Thomas, Weintraub, Whitehead, Willen, Wilson, Wirsch. Nays 26—Anderson, Arnold, Baumgardner, Breckinridge, Burke, M. W. Cook, Bill Cornett, Crecelius, P. F. Davis, Farmer, Ford, Huddleston, Kingsbury, Lovelace, Lowman, Ockerman, Parrish, Rausch, Ray, Raybourne, Searcy, Steiger, Walsh, Wathen, Wells, Young.

HB 1 passed and title agreed to.

Senate Message

Senate message announcing passage of **SB 37, SB 73, SB 85, SB 107, SB 108, HB 2.**

Motions

Representative Newberry moved for adoption of **HR 48.** Adopted.

HR 48, A CONCURRENT RESOLUTION memorializing Congress to enact legislation to provide a minimum dairy support price for the marketing year starting April 1, 1958.

WHEREAS, on December 18, 1957 Secretary of Agriculture Benson announced that dairy price support for the marketing year beginning April 1, 1958 will be at 75 percent of parity;

WHEREAS, the 75 percent of parity will result in a decrease to approximately $3.02 per hundredweight for 3.95 percent butterfat milk from the current support price of $3.25;

WHEREAS, this decrease will reduce dairy income in the State of Kentucky, approximately $6,597,000.00.

WHEREAS, on January 16, 1958 the President of the United States in his message to the Congress of the United States for a revised farm, food, and fiber program recommended that the dairy price support should be determined administratively between 60 percent and 90 percent of parity;

WHEREAS, the recommended minimum of 60 percent of parity will result in a decrease to approximately $2.37 per hundredweight for 3.95 percent butterfat milk from the current support price of $3.25;

WHEREAS, this decrease will reduce dairy income in the State of Kentucky approximately $17,582,500.

NOW, THEREFORE,

Be it Resolved by the House of Representatives of the Commonwealth of Kentucky, the Senate concurring therein:

Section 1. That the General Assembly of the Commonwealth of Kentucky does hereby memorialize and petition, and does respectfully urge the Congress of the United States to enact legislation to provide that the dairy support price for the marketing year starting April 1, 1958 shall not be less than the current $3.25 per hundred weight for 3.95 percent butterfat milk and that the Secretary of Agriculture shall use a parity equivalent for manufacturing milk based on the thirty-month period July 1946 to December 1948, both inclusive.

Section 2. That the Clerk of the House transmit a duly authenticated copy of this resolution to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Kentucky delegation in Congress.

Calendar

HB 29, HB 32, HB 83, HB 129, HB 143, HB 167, HB 26, and **HB 8** were taken from the Calender and ordered read at length for the second time. Ordered placed in Orders of the Day.

Introductions

The following Bills and Resolutions were introduced:

HB 267, by Representative R. Reynolds, AN ACT relating to motor vehicles.

HB 268, by Representative Cottengim, AN ACT relating to wage earners to be paid and deductions made.

HB 269, by Representative Isler, AN ACT relating to zoning and planning in second-class cities and in counties containing such cities.

HB 270, by Representative Gullette, AN ACT relating to compensation of circuit judges, making an appropriation therefor.

HB 271, by Representative Gullette, AN ACT relating to expenses of circuit judges.

HB 272, by Representative Gullette, AN ACT relating to special judges.

HB 273, by Representative Gullette, AN ACT relating to the Special Circuit Judge Fund.

HB 274, by Representative Wathen, AN ACT relating to the taxation of gasoline used as motor fuel in boats and other watercraft.

HB 275, by Representative Howard, AN ACT relating to inheritance and estate taxes and repealing KRS chapter 140.

HB 276, by Representatives P. F. Davis, Finney, Newberry, AN ACT relating to the regulation and use of anhydrous ammonia.

HB 277, by Representatives Breckinridge, Searcy, Hislope, McGuire, Huddleston, Barton, P. F. Davis, AN ACT proposing an amendment to the Constitution of Kentucky relating to the organization and government of cities of the first, second and third class.

HB 278, by Representative Weintraub, AN ACT relating to urban renewal.

HB 279, by Representative Weintraub, AN ACT relating to housing projects.

HB 280, by Representative Weintraub, AN ACT relating to planning and zoning.

HB 281, by Representative Weintraub, AN ACT relating to public officers.

HB 282, by Representative Breckinridge, AN ACT relating to water districts permitting payment by a district to Farmers Home Administration of the U. S. Government for the purpose of insuring the repayment of bonds.

HB 283, by Representative Hinkle, AN ACT relating to the title to school property.

HB 284, by Representative Hinkle, AN ACT relating to membership on boards of education.

HB 285, by Representative Greene, AN ACT relating to guardians.

HB 286, by Representative Qualls, AN ACT relating to holidays.

Representative Rayburn moved that when the House adjourns it do so until Monday, February 10, 3:00 p.m. Agreed.

Recess

Representative Everett moved that the House recess for fifteen minutes. Agreed. At the appointed hour, the Speaker resumed the Chair and called the House to order.

Report on Enrolled Bills

The Committee on Enrollment reported that **HB 1** had been examined and found correctly enrolled. Said bill read at length, compared, and signed in open session by the Speaker. Ordered delivered to the Senate.

Representative Everett moved that the House adjourn until 3:00 p.m., Monday, February 10. Agreed.

MONDAY, FEBRUARY 10, 1958

TWENTY-EIGHTH LEGISLATIVE DAY

The House was called to order by Speaker Weintraub.

Invocation by the Reverend Carter Roberts, of the Church of the Nazarene, of Frankfort.

The roll was called. All present except Billington, Burress, Clore, Farmer, Fields, Howard, Huston Johnson, Miller, Nunn, Wathen, Wirsch.

Representative Chaudoin moved that absent members be granted leaves of absence. Agreed.

Report on Enrolled Bills

Committee on Enrollment reported **HB 2** had been examined and found correctly enrolled. Said bill read at length, compared, and signed in open session by the Speaker. Ordered that the original and enrolled copies be delivered to the Senate.

Motions

Representative Lyon moved that the reading of the Journal for February 7 be dispensed with and same approved. Agreed.

Representative Isler moved that **HB 5** be taken from the Clerk's desk and placed in its proper position in Orders of the Day.

Agreed.

Communications

Representative Moore presented a communication from the Franklin County Teachers Association and asked that the Clerk read it at length to the House. The letter extended a special invitation to members of the General Assembly to visit the schools of Franklin County.

Recess

Representative Everett moved for a recess of thirty minutes. Agreed. At the appointed hour, the Speaker resumed the Chair and called the House to order.

Senate Message

Senate message announcing passage of **SR 41.**

Representative Everett moved that the House concur in adoption of **SR 41.**

On roll call, the vote was yeas 33—Bach, Bartley, Brown, Buchanan, Buckner, Chaudoin, Clore, Coffey, Combs, Cottengim, Dempsey, Duff, Everett, Finney, Fitzpatrick, Hale, Haley, Hislope, Hodges, Howard, H. N. Johnson, Kincer, McReynolds, Rayburn, Reed, Richards, Sowards, Tinsley, S. R. Thomas, Whitehead, Willen, Wilson, Young. Nays 45—Arnold, Barton, Baumgardner, Breckinridge, Burke, Casey, E. E. Cook, M. W. Cook, Bill Cornett, P. W. Cornett, Crecelius, P. F. Davis, Ford, Gay, Gullette, Hahn, Hall, Henry, Hinkle, Hopkins, Huddleston, Kingsbury, Kubale, Lovelace, Lowman, Lyon, McCallum, McGuire, Mackey, Moore, Ockerman, Parrish, Ratcliffe, Ray, Raybourne, Render, C. R. Reynolds, Searcy, Smith, Stith, Tanner, E. Thomas, Walsh, Wells, Williams.

SR 41 was defeated.

Representative Everett moved that the Senate be advised of House action on **SR 41.** Agreed.

Representative Cottengim moved the adoption of **HR 49.** Adopted.

HR 49, A SIMPLE RESOLUTION relating to the printing of bills for the General Assembly.

WHEREAS, on today, February 10, 1958, the printer has returned to the House every House Bill and Resolution which has been introduced to date, and every Senate Bill introduced in the Senate has been returned to the Senate, and every bill passed by either House and sent to the other House has also been printed and returned, and

WHEREAS, in the previous sessions of the Legislature there has often been delay in the delivery of printed bills for the use of members of the House of Representatives and Senate,

NOW, THEREFORE,

Be it Resolved by the House of Representatives of the Commonwealth of Kentucky:

Section (1). That we do hereby commend Dunne Press of Louisville, Kentucky, for their prompt action in printing and delivery of bills, and also commend those in the Legislative Research Commission who have been responsible for the handling of printing in behalf of the House and Senate.

Section (2). The Clerk of the House transmits a copy of this resolution to the Dunne Press, Louisville, Kentucky, and Mr. Al Pisano of the Legislative Research Commission.

Orders of the Day

HB 5 taken from Orders of the Day. Representative Isler moved that it be read for the third time by title only and placed on passage. Agreed.

Representative Isler moved the Previous Question. Agreed.

On roll call, the vote was yeas 60—Anderson, Arnold, Bach, Baumgardner, Buchanan, Buckner, Burke, Bush, Casey, Chaudoin, Clore, E. E. Cook, Cottengim, P. F. Davis, W. F. Davis, Finney, Fitzpatrick, Ford, Greene, Gullette, Hahn, Hale, Haley, Hart, Hinkle, Hopkins, Howard, Isler, H. N. Johnson, Kingsbury, Kubale, Lovelace, Lyon, McCallum, McGuire, McReynolds, Mackey, Newberry, Parrish, Peace, Qualls, Ratcliffe, Rausch, Ray, Raybourne, Rayburn, Reed, C. R. Reynolds, Richards, Smith, Steiger, Stith, Tanner, Tinsley, Ed Thomas, S. R. Thomas, Willen, Williams, Wirsch, Young. Nays 9—Bartley, Breckinridge, Brown, Bill Cornett, Crecelius, Dempsey, Hislope, Huddleston, Ockerman.

HB 5 was passed and the title agreed to.

Representative Buchanan moved that the rules be suspended for introduction of a resolution. Agreed.

HR 50, by Representatives Buchanan and H. Nick Johnson, A RESOLUTION condemning coercive practices directed toward members of the General Assembly or employes of the Commonwealth.

Representative Buchanan moved adoption of **HR 50.** Adopted.

WHEREAS, it appears that there have been numerous attempts to influence the vote and actions of members of the General Assembly by coercion;

WHEREAS, it appears that freedom of thought and action is an absolute necessity if the will of the majority is to be reflected in the acts of legislation;

WHEREAS, it appears that numerous employes of the Commonwealth have likewise been the victims of coercion;

WHEREAS, such coercion appears at times to have taken the form of threats of economic reprisals; and

WHEREAS, this body wishes to be recorded as being violently opposed to any and all types of coercion and pressure;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the House of Representatives of the Commonwealth of Kentucky does hereby express the condemnation of and opposition to the exercise of coercion by any means whatsoever.

HR 51, by Representative Buchanan, A CONCURRENT RESOLUTION requesting and petitioning the United States Interstate Commerce Commission to re-establish the standards of time for Kentucky.

The Speaker announced that **HR 51** would be referred to Committee.

Representative Isler moved that the rules be suspended for the purpose of taking **HB 205** from its regular position in Orders of the Day and to place it on passage. Agreed.

HB 205 taken from its position in Orders of the Day. Read for the third time by title only and placed on passage.

On roll call, the vote was yeas 74—Anderson, Arnold, Bach, Bartley, Barton, Baumgardner, Breckinridge, Brown, Buchanan, Burke, Bush, Casey, Chaudoin, Clore, Combs, M. W. Cook, Bill Cornett, P. W. Cornett, Cottengim, Crecelius, P. F. Davis, W. F. Davis, Dempsey, Duff, Everett, Finney, Fitzpatrick, Ford, Greene, Hahn, Hale, Haley, Hall, Hart, Hinkle, Hislope, Hopkins, Huddleston, Isler, H. N. Johnson, Kincer, Kingsbury, Kubale, Lyon, McCallum, McGuire, McReynolds, Mackey, Moore, Newberry, Parrish, Qualls, Ratcliffe, Rausch, Ray, Raybourne, Rayburn, Reed, Render, C. R. Reynolds, Richards, Searcy, Smith, Sowards, Steiger, Stith, Tanner, S. R. Thomas, Walsh, Whitehead, Willen, Williams, Wilson, Young. Nays 0.

HB 205 was passed and the title agreed to.

Introductions

HR 52, by Representatives Bartley, Brown, Buchanan, Buckner, Burress, Coffey, Marlow Cook, Paul Cornett, W. F. Davis, Dempsey, Duff, Gay, Hislope, Hodges, Howard, H. Nick Johnson, Peace, Qualls, Rayburn, Render, Carl Reynolds, Sowards, Whitehead, Willen and Wirsch, A CONCURRENT RESOLUTION commemorating the one hundred and fiftieth birthday of Abraham Lincoln.

Representative Howard moved adoption of **HR 52**. Adopted.

WHEREAS, the year one thousand nine hundred and fifty nine is the one hundred fiftieth since the birth of Abraham Lincoln, native Kentuckian and one of the greatest Americans who ever lived;

WHEREAS, Abraham Lincoln, more than any other man, both in his day and now, is the epitome of humanitarian service, and devotion to our great nation;

WHEREAS, this great American, although he was elevated by his fellow citizens to the highest position of honor and power, never lost sight of his basic credo of equality and justice, and remained steadfastly true to those great guiding principles upon which our grand nation is built;

WHEREAS, more than one thousand books have been written on the remarkable life of this great statesman;

WHEREAS, this champion of equal rights and opportunities for all so encompassed this area as to be named "The Great Emancipator;"

WHEREAS, there are on public exhibition throughout the United States, at least one hundred twenty eight statues of this magnificent Kentuckian;

WHEREAS, the strides made by Abraham Lincoln were milestones achieved in the name of liberty, equality and fraternity;

WHEREAS, Lincoln gave his all for the causes to which he remained so true, to-wit, the freedom of oppressed minorities, and the achievement of true equality and justice for all;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the Commonwealth of Kentucky, the Senate concurring therein:

Section 1. That the General Assembly take due note of the one hundred fiftieth anniversary of the birth date of our sixteenth and greatest president, Abraham Lincoln.

Section 2. That the citizens of the Commonwealth honor this great American by suitable means throughout the Lincoln Sesquicentennial.

Section 3. That when the Senate and House of Representatives do adjourn on Monday, February 10, 1958, they do so in honor and memory of Abraham Lincoln.

The following Bills and Resolutions were introduced:

HB 287, by Representative Lovelace, AN ACT relating to nuisances in cities of the fifth class.

HB 288, by Representative Lovelace, AN ACT relating to nuisances in cities of the sixth class.

HB 289, by Representatives Hall, Hale, Sowards, AN ACT relating to teacher classification.

HB 290, by Representatives Hale, Hall, Sowards, AN ACT relating to teacher's certificates.

HB 291, by Representative Reed, AN ACT to amend KRS 341.050 (4) (c) by including the employees of cities of the first class under "covered employment" for unemployment compensation.

HB 292, by Representative Reed, AN ACT relating to the regulations of carpenters and carpentry.

HB 293, by Representative Breckinridge, AN ACT relating to political advertising.

HB 294, by Representatives Sowards, Brown, Whitehead, Dempsey, Bartley, Wirsch, Hodges, P. W. Cornett, Coffey, Peace, Bach, Gay, Hall, Duff, Qualls, AN ACT relating to a veterans bonus.

HB 295, by Representative Fitzpatrick, AN ACT relating to insurance companies.

HB 296, by Representative Combs, AN ACT relating to public utilities.

HB 297, by Representative Casey, AN ACT relating to game and fish.

HB 298, by Representatives Everett, Chaudoin, AN ACT relating to zoning and planning in cities of the third to sixth classes and in counties containing such cities.

HB 299, by Representative Lowman, AN ACT making an appropriation for the purchase of free textbooks.

HB 300, by Representatives C. R. Reynolds, Bush, R. Reynolds, AN ACT relating to the terms of court in the twenty-third judicial district.

HB 301, by Representative Williams, AN ACT relating to the computation of time.

HB 302, by Representative Isler, AN ACT relating to narcotic drugs.

HB 303, by Representative Fitzpatrick, AN ACT relating to local health departments.

HB 304, by Representatives Bartley, Dempsey, Tanner, Brown, McReynolds, Whitehead, Cottengim, Wirsch, Hodges, Hislope, Sowards, McGuire, P. W. Cornett, Duff, Newberry, E. E. Cook, Hall, Lovelace, Smith, Buchanan, Hart, Richards, Hinkle, Mackey, Haley, Gay, Willen, Ratcliffe, Render, Wells, Buckner, Breckinridge, Ford, H. Nick Johnson, Coffey, Qualls, Raybourne, Kingsbury, Hale, Burke, Rausch, P. F. Davis, C. R. Reynolds, Hahn, Steiger, W. F. Davis, Baumgardner, Rayburn, Moore, Barton, AN ACT relating to the payment of tax on gasoline used in farm tractors and stationary engines, and amending Sections 138.444 to 138.351 and 138.354, 138.355 of the Kentucky Revised Statutes.

Representative Everett moved that the House adjourn until 1:00 p.m., February 11. Agreed.

TUESDAY, FEBRUARY 11, 1958

TWENTY-NINTH LEGISLATIVE DAY

The House was called to order by the Speaker, Mr. Weintraub.

Invocation by the Reverend Carter Roberts, of the Church of the Nazarene, of Frankfort.

The roll was called. All present except Billington, Fields, Huston Johnson, Lowman, Miller, Wilson.

Senate Message

Senate message announcing passage of **SB 49** and **SB 50.**

Motions

Representative Chaudoin moved that absent members be extended leaves of absence. Agreed.

Representative Lyon moved that the reading of the Journal for February 10 be dispensed with and same approved. Agreed.

Recess

Representative Hislope moved that the House recess for fifteen minutes to permit a caucus of the Minority party members. Agreed. At the appointed hour the Speaker resumed the Chair and called the House to order.

Motions

Representative Kubale moved that the rules be suspended for Committee report. Agreed.

The Committee on Appropriations and Revenues reported **HB 12.** Representative Kubale moved that **HB 12** be placed in Orders of the Day. Agreed.

Reconsideration

Representative Ed Thomas moved that the vote by which **SR 41** was defeated be reconsidered.

On roll call on reconsideration, the vote was yeas 50—Bach, Bartley, Brown, Buchanan, Buckner, Burress, Bush, Casey, Chaudoin, Clore, Coffey, Combs, P. W. Cornett, Cottengim, Dempsey, Duff, Everett, Farmer, Finney, Fitzpatrick, Gay, Greene, Hale, Haley, Hart, Henry, Hislope, Hodges, Howard, Isler, H. N. Johnson, Kincer, Kubale, McReynolds, Newberry, Peace, Qualls, Rayburn, Reed, R. Reynolds, Richards, Sowards, Tinsley, Ed Thomas, S. R. Thomas, Whitehead, Willen, Wilson, Wirsch, Young. Nays 40—Arnold, Barton, Baumgardner, Breckinridge, Burke, E. E. Cook, M. W. Cook, Bill Cornett, Crecelius, P. F. Davis, W. F. Davis, Ford, Hahn, Hinkle, Hopkins, Huddleston, Kingsbury, Lovelace, Lyon, McCallum, McGuire, Mackey, Moore, Nunn, Ockerman, Parrish, Ratcliffe, Ray, Raybourne, Render, Carl Reynolds, Searcy, Smith, Steiger, Stith, Tanner, Walsh, Wathen, Wells, Williams.

Adopted.

On roll call on concurring in **SR 41**, the vote was yeas 46—Anderson, Bach, Brown, Buchanan, Buckner, Burress, Casey, Chaudoin, Clore, Coffey, Combs, P. W. Cornett, Cottengim, Dempsey, Duff, Everett, Finney, Fitzpatrick, Gay, Hale, Haley, Hart, Henry, Hislope, Hodges, Howard, Isler, H. N. Johnson, Kincer, McReynolds, Newberry, Peace, Qualls, Rayburn, Reed, R. Reynolds, Richards, Sowards, Tinsley, Ed Thomas, S. R. Thomas, Whitehead, Willen, Wilson, Wirsch, Young. Nays 41—Arnold, Barton, Baumgardner, Breckinridge, Burke, E. E. Cook, M. W. Cook, Bill Cornett, Crecelius, P. F. Davis, W. F. Davis, Farmer, Ford, Gullette, Hahn, Hinkle, Hopkins, Huddleston, Kingsbury, Lovelace, McCallum, McGuire, Mackey, Moore, Nunn, Ockerman, Parrish, Ratcliffe, Ray, Raybourne, Render, Carl Reynolds, Searcy, Smith, Steiger, Stith, Tanner, Walsh, Wathen, Wells, Williams.

Adopted.

SR 41, A CONCURRENT RESOLUTION relating to adjournment of the General Assembly.

Be it Resolved by the Senate of the Commonwealth of Kentucky, the House of Representatives concurring therein:

Section 1. That when the Senate and the House of Representatives adjourn on Tuesday, February 11, 1958 they adjourn to Monday, February 17, 1958, 3:00 p.m., and that said adjournment be in the memory of Abraham Lincoln.

Section 2. This adjournment recognizes that Wednesday, February 12, 1958 is not a legislative day within the meaning of Section 42 of the Constitution. KRS 2.110 specifies that February 12, 1958, Abraham Lincoln Day, is a legal holiday. KRS 2.110 further specifies that if any legal holiday occurs on Sunday the next day thereafter shall be observed as a holiday. Section 42 of the Constitution excludes Sunday and legal holidays in the count of sixty legislative days.

Introduction of Resolutions

Representative Hislope moved for adoption of **HR 53.** Adopted.

HR 53, A RESOLUTION directing the Legislative Research Commission to study the feasibility of establishing a training home for illegitimate children.

WHEREAS, aid to dependent children is largely aid to children of unwed mothers;

WHEREAS, such aid involves sums of great magnitude;

WHEREAS, many unwed mothers hasten to bear more children for the sole purpose of qualifying for more aid;

WHEREAS, the environment of the children causes them to follow in the immoral footsteps of their mothers and thus perpetuate in increased amount the load of aid to dependent children;

WHEREAS, the institution of holy matrimony is being endangered;

WHEREAS, birth out of holy wedlock is being encouraged and illegitimacy is hereby subsidized;

WHEREAS, unsupervised illegitimates beget illegitimates ad infinitem;

WHEREAS, the perpetuation of this condition will endanger the stability of the state and nation;

WHEREAS, a child is born with certain inalienable rights; and

WHEREAS, a child trained in the way he or she should go will not depart from that way when he or she becomes adult;

NOW, THEREFORE,

Be it Resolved by the House of Representatives of the Commonwealth of Kentucky:

That the Legislative Research Commission make the proper studies, surveys, and analyses and avail itself of competent advice as to the feasibility of establishing a proper training home for all illegitimate children born to an unwed mother, except the first such child.

Representative Cottengim moved the adoption of **HR 54.** Adopted.

HR 54, A RESOLUTION authorizing and directing the Public Service Commission to inquire into and report on certain practices of Union Light, Heat and Power Company.

WHEREAS, the Union Light, Heat and Power Company is a public utility franchised for the purpose of serving the public in the cities of Newport, Covington, Bellevue, Dayton, Fort Thomas, Ludlow, Bromley, Fort Mitchell, and Latonia and all other cities and municipalities in Campbell and Kenton Counties; and

WHEREAS, it appears that said utility company has abandoned its practice of maintaining sub-offices for the purpose of receiving payment of service bills due; and

WHEREAS, it appears that said utility company has inaugurated, in lieu thereof, a practice of arranging for a third party to act as its agent for the purpose of collecting bills due in exchange for a consideration of ten cents per bill collected; and

WHEREAS, the cost of such practice is reflected in higher consumer rates and works an additional and unjustifiable burden upon the public.

NOW, THEREFORE,

Be it Resolved by the House of Representatives of the Commonwealth of Kentucky:

Section 1. That the Public Service Commission be, and is hereby, authorized and directed to inquire into the present practices of the Union Light, Heat and Power Company with respect to collection of its bills.

Section 2. That the Public Service Commission report its findings and recommendation to the Clerk of the House of Representatives not later than ten days after passage of this resolution.

Section 3. That the Clerk of the House of Representatives is hereby directed to cause a copy of this resolution to be sent to the Public Service Commission.

Reference of Bills and Resolutions

Agriculture and Conservation: **HB 234, HB 297.**

Appropriations and Revenues: **HB 232, HB 241, HB 244, HB 248, HB 251, HB 254, HB 255, HB 261, HB 262, HB 270, HB 274, HB 275, HB 289, HB 294, HB 299, HB 304, HR 41.**

Claims: **HR 44, HR 45, HR 46, HR 47.**

Education: **HB 236, HB 243, HB 283, HB 284, HB 290, SB 73, SB 107, SB 108.**

Health and Welfare: **HB 242, HB 245, HB 253, HB 276, HB 302, SB 37.**

Judiciary, Executive and Legislative Affairs: **HB 231, HB 233, HB 235, HB 238, HB 249, HB 257, HB 258, HB 271, HB 272, HB 273, HB 285, HB 300, HB 301, SB 85.**

Labor and Industry: **HB 268, HB 292, HB 295.**

Military and Civil Defense: **HB 230.**

Municipal and County Government: **HB 250, HB 264, HB 266, HB 269, HB 278, HB 279, HB 280, HB 281, HB 282, HB 287, HB 288, HB 291, HB 296, HB 298, HB 303, SB 18, SB 19.**

Public Utilities: **HB 260.**

Suffrage, Elections and Constitutional Amendments: **HB 252, HB 259, HB 263, HB 293, SB 27, SB 31.**

Transportation and Highways: **HB 267.**

Ways and Means: **HB 237, HB 239, HB 240, HB 246, HB 247, HB 256, HB 265, HB 277, HB 286, HR 51.**

Report of Committees

The Committee on Judiciary, Executive and Legislative Affairs reported **HB 223** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 223, AN ACT relating to venue of civil actions.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 452.460 of the Kentucky Revised Statutes is amended to read as follows:

(1) Every other action for an injury to the person or property of the plaintiff, and every action for an injury to the character of the plaintiff, against a defendant residing in this state, must be brought in the county in which the defendant resides, or in which the injury is done. Provided, that in actions for libel the action shall be brought in the county in which the plaintiff resides or in the county in which the newspaper or publication is printed or published, or in the county in which the transaction or act or declaration to which the publication relates is stated, or purported to have been done or taken place.

(2) If an injury occurs on a river or stream dividing two or more counties, any county bounding the river at the point the injury occurred may be considered the county in which the injury is done for purposes of bringing the action.

The Committee on Education reported **HB 120** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 120, AN ACT relating to education, providing for a college in Hardin County.

WHEREAS, there is a serious need for the creation of a state college in Hardin County for the purpose of alleviating the serious shortage of trained teachers within the Commonwealth, and to more fully carry into effect the provisions of Section 183 of the Constitution of Kentucky, by affording to the teachers and students of central Kentucky such training in the common school system, in the science and art of teaching, and in such other areas as may be deemed necessary and advisable, as will enable them to improve and render more efficient the administration of the common school system and raise the standards of instruction therein throughout the Commonwealth.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

There shall be established and maintained a state college in the City of Elizabethtown, Kentucky, or the environs thereof, to be known as the "Elizabethtown State College". The "Elizabethtown State College" shall be maintained in the same manner as the other state colleges presently existing within the Commonwealth.

The Committee on Appropriations and Revenues reported **HB 202, HB 149, HR 36** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 202, AN ACT relating to social security, extending coverage to certain state schools.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 61.410 of the Kentucky Revised Statutes is amended to read as follows:

(1) In order to extend to certain employes of the Commonwealth and its political subdivisions, and interstate instrumentalities, not now members of public retirement systems, and to the dependents and survivors of such employes, the basic protection accorded to others by the Old-Age and Survivors Insurance System embodied in the Social Security Act, it is hereby declared to be the policy of the General Assembly to provide such protection to such employes, and their dependents and survivors, on as broad a basis as is permitted under the Social Security Act.

(2) Subject to the provisions of KRS 61.430 (6) and the Federal Social Security Act, as amended, and regardless of present coverage under a public retirement system, it is declared to be the policy of the General Assembly to extend the aforesaid protection to the employes of the state colleges enumerated in KRS 164.290 and to members of the instructional and administrative staffs of the Kentucky School for the Deaf, Kentucky School for the Blind, West Kentucky Vocational School, Mayo State Vocational School and the Northern Kentucky State Vocational School, and the dependents and survivors of each of them.

Section 2. Section 61.420 of the Kentucky Revised Statutes is amended to read as follows:

For the purposes of KRS 61.410 to 61.500:

(1) "Wages" means all remuneration for employment as defined herein, including the cash value of all remuneration paid in any

medium other than cash, except that such term shall not include that part of such remuneration which, even if it were for "employment" within the meaning of Federal Insurance Contributions Acts, would not constitute "wages' within the meaning of that Act;

(2) "Employment" means any service performed by an employe in the employ of the Commonwealth, a political subdivision, or an interstate instrumentality, for such employer, except (a) service of an emergency nature, (b) service which in the absence of an agreement entered into under KRS 61.410 to 61.500 would constitute "employment" as defined in the Social Security Act, or (c) service which under the Social Security Act may not be included in any agreement between the Commonwealth and Federal Security Administrator entered into under KRS 61.410 or 61.500; provided, however, that service, the compensation for which is on a fee basis, may be excluded in any plan approved under KRS 61.410 to 61.500, and provided also, that service in any class of classes of positions, the exclusion of which is permitted under the Social Security Act, may be excluded in any plan approved under KRS 61.460;

(3) "Employe," in addition to its usual meaning, includes both elective and appointive officers of the Commonwealth, political subdivisions, or interstate instrumentalities;

(4) "State agency" means the Division of Personnel Security in the Department of Economic Security;

(5) "Federal Security Administrator" includes any individual to whom the Federal Security Administrator has delegated any of his functions under the Social Security Act with respect to coverage under such act of employes of states and their political subdivisions;

(6) "Political subdivision," in addition to counties, municipal corporations and school districts, includes instrumentalities of the Commonwealth, of one of more of its political subdivisions or of the Commonwealth and one or more of its political subdivisions, and any other governmental unit thereof;

(7) "Social Security Act" means the Act of Congress approved August 14, 1935, Chapter 531, 49 Stat. 620, officially cited as the "Social Security Act," including regulations and requirements issued pursuant thereto, as such act has been and may from time to time be amended;

(8) "Federal Insurance Contributions Act" means subchapter A of Chapter 9 of the Federal Internal Revenue Code as such Code has been and may from time to time be amended;

(9) "Secretary of Health, Education and Welfare" includes any individual to whom the Secretary of Health, Education and Welfare has delegated any of his functions under the Social Security Act, with respect to coverage under this Act, and with respect to any action taken prior to April 11, 1953, includes the Federal Security Administrator and any individual to whom such Administrator has delegated such functions.

Section 3. Section 61.430 of the Kentucky Revised Statutes is amended to read as follows:

Consistent with the terms and conditions of KRS 61.410 to 61.500, the state agency, with the approval of the Governor, is hereby authorized to enter on behalf of the Commonwealth into an agreement with the Secretary of Health, Education and Welfare, for the purpose of extending the benefits of the Federal Old-Age and Survivors Insurance System to employès of the Commonwealth or any political subdivision thereof with respect to services specified in such agreement which constitute "employment" as defined in KRS 61.420. Such agreement may contain such provisions relating to coverage, benefits, contributions, effective date, modification and termination of the agreement, administration and other appropriate provisions as the state agency and Secretary of Health, Education and Welfare shall agree upon, but except as may be otherwise required by or under the Social Security Act as to the services to be covered, such agreements shall provide in effect that:

(1) Benefits will be provided for employes whose services are covered by the agreement, and their dependents and survivors, on the same basis as though such services constituted employment within the meaning of Title II of the Social Security Act;

(2) The state will pay to the Secretary of the Treasury, at such time or times as may be prescribed under the Social Security Act, contributions with respect to wages equal to the sum of taxes which would be imposed by Sections 1400 and 1410 of the Federal Insurance Contributions Act if the services covered by the agreement constituted employment within the meaning of that Act;

(3) Such agreement or modification of such agreement shall be effective with respect to services performed after an effective date specified in the agreement or modification thereof but in no case prior to January 1, 1955 for cases where such agreement or modification is agreed to prior to January 1, 1958; for cases where such agreement or modification is agreed to during the years 1958 and 1959, the effective date specified in such agreement or modification shall not be earlier than January 1, 1956; and in no case prior to the first day of the calendar year in which such agreement or modification, as the case may be, is agreed to by the Secretary of Health, Education and Welfare and the Commonwealth after December 31, 1959;

(4) All services which constitute employment and are performed in the employ of the Commonwealth by employes of the Commonwealth shall be covered by the agreement;

(5) All services which (a) constitute employment, (b) are performed in the employ of a political subdivision of the state, and (c) are covered by a plan which is in conformity with the terms of the agreement and has been approved by the state agency under KRS 61.460, shall be covered by the agreement.

(6) (a) Such agreement or modification of such agreement, as permitted under the Social Security Act, shall include all services described in subsection (4) and performed by employers in positions covered by a retirement system at the various state colleges enumerated in KRS 164.290 and members of the instructional and administrative staffs of other state schools enumerated in Section 1 of this Act, with respect to which the Governor has issued a certificate to the Secretary of Health, Education and Welfare pursuant to this section;

(b) With respect to groups embraced in subdivision (a) of this subsection the Governor shall authorize referendums and designate agencies or individuals to respectively supervise their conduct in accordance with the requirements of Section 218 (d) (3) of the Social Security Act and this subsection;

(c) Such referendum shall be conducted in conformity with the following conditions:

Each referendum shall be by secret, written ballot on the question of whether or not service in positions now covered by a public retirement system in the state college or school shall be included under the agreement between the Governor and the Secretary of Health, Education and Welfare.

An opportunity to vote in such referendum shall be given and shall be limited to all eligible employes of such state college or school;

Not less than ninety days notice of such referendum shall be given to all such employes of the state college or school;

Such referendum shall be conducted under the supervision of an agency or individual designated by the Governor;

The proposal for coverage shall be approved only if a majority of the eligible employes of the state college or school vote in favor of including services in such positions under the agreement;

(d) Upon receiving satisfactory evidence that, with respect to any such referendum, the conditions specified in this subsection and Section 218 (d) (3) of the Social Security Act have been met, the Governor shall so certify to the Secretary of Health, Education and Welfare.

(7) For the purposes of this section, employes of each of the colleges enumerated in KRS 164.290 or schools enumerated in Section 1 of this Act shall be considered a separate coverage group.

HB 149, AN ACT relating to election expenses.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

In all counties where voting machines are used, the cost of elections shall be certified by the county treasurer to the Department of Finance in the same manner as provided in KRS 118.450, except that for each precinct where voting machines are used and so certified the sum of fifty dollars shall be allowed to the counties.

HR 36, A JOINT RESOLUTION authorizing civil action against the Commonwealth of Kentucky, Department of Revenue, in the interest of William E. Scent.

WHEREAS, it appears by affidavits that William E. Scent was employed by the Department of Revenue pursuant to authority granted by KRS 134.380 for the purpose of representing the Commonwealth before the Court of Appeals in litigation styled Allphin v. L. & N. Railroad Co., 290 S.W. (2d) 787, and Allphin v. Joseph E. Seagram and Sons, 294 S.W. (2d) 515, and during the year 1956 did render valuable legal services to the Commonwealth pursuant to said employment;

WHEREAS, said William E. Scent did expend approximately $100.00 of his own funds as the direct result of said employment and representation on behalf of the Commonwealth;

WHEREAS, said William E. Scent has not received any compensation for said services and has not been reimbursed for said expense because his said employment was not approved in writing by the Governor; and,

WHEREAS, the just and reasonable value of the legal services he so rendered can best be ascertained and determined by judgment of a court of this Commonwealth;

NOW THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. William E. Scent is authorized to sue the Commonwealth of Kentucky, Department of Revenue, in the Franklin Circuit Court to recover the just and reasonable value of the legal services rendered during 1956 to the Commonwealth of Kentucky, Department of Revenue, in the litigation styled Allphin v. L. & N. Railroad Co., 290 S.W. (2d) 787, and Allphin v. Joseph E. Seagram and Sons, 294 S.W. (2d) 515, and to recover the amount of his expenses actually incurred in connection with the rendition of said legal services; that said action shall be commenced within one year from the effective date of this Resolution, and that no plea of limitation shall be interposed if commenced within that time;

Section 2. That said action shall be for a total sum not in excess of $6,100.00;

Section 3. That the Attorney General of the Commonwealth of Kentucky may investigate the claim and settle it before or after suit is filed if he deems it advisable;

Section 4. That any amount recovered in this action, either by settlement or judgment, shall be paid by check drawn against the Commonwealth of Kentucky, General Fund, Department of Revenue, Operating Fund, in the State Treasury upon warrant drawn by the Commissioner of Finance upon the State Treasurer;

Section 5. That final judgment in the action may be appealed by either party to the Court of Appeals in the manner provided in the Rules of Civil Procedure; and

Section 6. That no statement in this Resolution shall be considered as evidence by the Court entertaining the action.

The Committee on Education reported **HB 121** without expression of opinion.

Introductions

The following Bills and Resolutions were introduced:

HB 305, by Representative Ray, AN ACT relating to gambling.

HB 306, by Representative Everett, AN ACT relating to the Kentucky National Guard.

HB 307, by Representative Everett, AN ACT relating to County Tax Commissioners and revenue and taxation.

HB 308, by Representative Everett, AN ACT relating to the Department of Revenue.

HB 309, by Representative Everett, AN ACT relating to revenue and taxation.

HB 310, by Representative Everett, AN ACT relating to alcoholic beverages.

HB 311, by Representative Everett, AN ACT relating to the Kentucky National Guard.

HB 312, by Representative Everett, AN ACT relating to insurance and amending Section 56.180 of the Kentucky Revised Statutes.

HB 313, by Representative Everett, AN ACT relating to workmen's compensation.

HB 314, by Representative Ockerman, AN ACT relating to the adoption of codes and revisions of ordinances by reference.

HB 315, by Representative Ockerman, AN ACT relating to civil service in cities.

HB 316, by Representative Qualls, AN ACT relating to legal holidays.

HB 317, by Representatives Duff, H. Nick Johnson, Greene, Buckner, Dempsey, Brown, P. W. Cornett, Hall, Gay, Peace, Hislope, Coffey, Hodges, Sowards, Kincer, C. R. Reynolds, Bush, Qualls, AN ACT relating to social security, extending coverage to teachers.

HB 318, by Representative Bach, AN ACT relating to county liability.

HB 319, by Representative Everett, AN ACT relating to the exercise of the right of eminent domain by companies authorized to construct or operate a railroad.

HB 320, by Representative Weintraub, AN ACT relating to Commonwealth's attorneys.

HB 321, by Representative Weintraub, AN ACT relating to water districts, and declaring an emergency.

HB 322, by Representative Hahn, AN ACT relating to elections and amending Sections 116.040; 117.620 (1); 119.030; 119.080 and 119.200 (1) of the Kentucky Revised Statutes.

HB 323, by Representative Hahn, AN ACT relating to election offenses.

HB 324, by Representative Hahn, AN ACT relating to conveyance of federal prisoners to courts of this state for trial or as material witnesses in felony prosecutions.

HB 325, by Representative Hahn, AN ACT to amend and reenact section 434.020 of the Kentucky Revised Statutes relating to misapplication or misuse of state property, checks or funds.

HB 326, by Representatives Ray, Ford, AN ACT relating to sewer construction districts and to construction and enlargement of sewer and drainage facilities, including treatment plants by issuance of revenue bonds as an alternate method of financing and enforcing collections under same by providing that water service may be required to be cut off if delinquent sewer bills are not paid.

HB 327, by Representatives Hinkle, Stith, AN ACT relating to alcoholic beverages.

HB 328, by Representatives Stith, Haley, Ratcliffe, Hinkle, Raybourne, Wells, AN ACT relating to dogs and livestock.

HB 329, by Representative Gullette, AN ACT relating to arguments of counsel in criminal cases.

HB 330, by Representative Gullette, AN ACT relating to compensation for city council members.

HB 331, by Representative Moore, AN ACT relating to Johnson grass.

HB 332, by Representatives Cottengim, Hislope, Sowards, AN ACT relating to city officers and employes.

HB 333, by Representatives H. Nick Johnson, Buckner, Ford, M. W. Cook, Duff, AN ACT providing for the creation of a lien upon the real property of persons qualifying as surety upon bonds of persons charged with a criminal offense; providing for the manner of recording such lien, duties of circuit court clerks and county court clerks in connection therewith, and providing penalties for violations.

Orders of the Day

The sponsor of **HB 44** was absent from the House and it was agreed that the bill would be passed in Orders of the Day.

The sponsor of **HB 133** moved that action be deferred. Agreed.

Representative Ed Thomas moved that action on **HB 27** be deferred. Agreed.

HB 112 taken from Orders of the Day, ordered read for the third time by title only and placed on passage.

On roll call, the vote was yeas 81—Anderson, Arnold, Bach, Bartley, Barton, Baumgardner, Brown, Buchanan, Buckner, Burke, Burress, Bush, Casey, Chaudoin, Clore, Coffey, Combs, E. E. Cook, M. W. Cook, Bill Cornett, P. W. Cornett, Crecelius, P. F. Davis, W. F. Davis, Dempsey, Duff, Farmer, Finney, Ford, Gay, Greene, Gullette, Hahn, Hale, Haley, Hart, Henry, Hinkle, Hislope, Hodges, Hopkins, Howard, Isler, Kincer, Kingsbury, Lovelace, Lyon, McCallum, McGuire, McReynolds, Mackey, Moore, Newberry, Nunn, Parrish, Peace, Qualls, Ratcliffe, Rausch, Ray, Raybourne, Rayburn, Reed, Render, R. Reynolds, Richards, Searcy, Smith, Sowards, Steiger, Stith, Tinsley, Ed Thomas, S. R. Thomas, Walsh, Wells, Willen, Williams, Wilson, Wirsch, Young. Nays 0.

HB 112 was passed and the title agreed to.

HB 35 taken from Orders of the Day, read for the third time by title only and placed on passage.

Representative Stith moved that the Committee Amendment No. 1 to **HB 35** be amended as follows:

Amend Committee Amendment to **HB 35** by striking the words "sub-section No. 2" and substituting in lieu thereof the following: All the language in line 19 following the word "section" and all of lines 20 and 21 in sub-section (2) on Page 2 of the printed bill.

Representative Ockerman moved that the amendment to the Committee amendment be tabled. On demand of two representatives, the roll call on Representative Ockerman's motion, the vote was yeas 22—Anderson, Baumgardner, Breckinridge, Burke, Combs, M. W. Cook, Crecelius, Everett, Farmer, Gullette, Hahn, Huddleston, Kincer, Kingsbury, Lowman, McCallum, Ockerman, Rausch, Ray, Searcy, Smith, Steiger. Nays 56—Arnold, Bach, Bartley, Barton, Brown, Buchanan, Buckner, Burress, Bush, Casey, Chaudoin, Clore, Coffey, E. E. Cook, Bill Cornett, W. F. Davis, P. F. Davis, Dempsey, Finney, Ford, Gay, Greene, Hale, Haley, Hinkle, Hart, Henry, Hopkins, Howard, Lovelace, Lyon, McGuire, McReynolds, Mackey, Newberry, Nunn, Parrish, Ratcliffe, Raybourne, Rayburn, Render, C. R. Reynolds, R. Reynolds, Richards, Stith, Tanner, E. Thomas, S. R. Thomas, Tinsley, Wells, Whitehead, Willen, Williams, Wilson, Wirsch, Young.

Said motion lost.

Representative Stith's amendment to Committee amendment was adopted by voice vote.

Representative Stith moved that **HB 35** as amended be placed on passage.

On roll call, the vote was yeas 51—Arnold, Bach, Bartley, Barton, Brown, Burress, Bush, Casey, Chaudoin, Clore, Combs, Bill Cornett, P. F. Davis, W. F. Davis, Everett, Finney, Ford, Greene, Hale, Hart, Henry, Hopkins, Kincer, Lyon, McGuire, McReynolds, Mackey, Newberry, Nunn, Parrish, Ratcliffe, Raybourne, Rayburn, Reed, Render, C. R. Reynolds, R. Reynolds, Richards, Sowards, Stith, Tanner, Tinsley, Ed Thomas, S. R. Thomas, Wells, Whitehead, Willen, Williams, Wilson, Wirsch, Young. Nays 11—Breckinridge, Burke, Crecelius, Dempsey, Farmer, Gullette, Ockerman, Ray, Searcy, Steiger, Walsh.

HB 35 was passed and the title agreed to.

Representative Everett moved that the House adjourn until 3:00 p.m., Monday, February 17.

On roll call, the vote was: Yeas 51—Anderson, Bach, Bartley, Brown, Buchanan, Buckner, Burress, Bush, Chaudoin, Clore, Coffey, Combs, Cottengim, W. F. Davis, Dempsey, Duff, Everett, Finney, Fitzpatrick, Gay, Gullette, Hale, Haley, Hart, Henry, Hinkle, Hodges, Howard, Isler, H. N. Johnson, Kincer, Kubale, McReynolds, Newberry, Peace, Qualls, Rayburn, Reed, R. Reynolds, Richards, Smith, Sowards, Stith, Tinsley, Ed Thomas, S. R. Thomas, Whitehead, Willen, Wilson, Wirsch, Young. Nays 41—Arnold, Barton, Baumgardner, Breckinridge, Burke, Casey, E. E. Cook, M. W. Cook, Bill Cornett, P. W. Cornett, Crecelius, P. F. Davis, Farmer, Ford, Greene, Hahn, Hall, Hislope, Hopkins, Huddleston, Kingsbury, Lovelace, Lowman, Lyon, McCallum, McGuire, Mackey, Moore, Nunn, Ockerman, Parrish, Ray, Raybourne, Render, C. R. Reynolds, Searcy, Steiger, Tanner, Walsh, Wells, Williams.

Agreed.

MONDAY, FEBRUARY 17, 1958

THIRTY-THIRD LEGISLATIVE DAY

The House was called to order by the Speaker, Mr. Weintraub.

Invocation by the Reverend Samuel Elmore Blackard, of the Church of the Ascension (Episcopal), of Frankfort.

The roll was called. All present exception Barton, Billington, Buchanan, Burress, Casey, Bill Cornett, Dempsey, Fields, Hodges, Howard, Huston Johnson, Kincer, McCallum, Miller, Parrish, Peace, Rayburn, Carl Reynolds, Smith, Willen.

Representative Chaudoin moved that absent members be extended leaves of absence. Agreed.

Representative Lyon moved that the reading of the Journal for February 11 be dispensed with and the same approved. Agreed.

Reconsideration

Representative Stith moved that the vote by which **HB 35** was passed be reconsidered. Agreed.

Representative Stith moved for adoption of Committee Amendment as amended by Representative Stith. Agreed.

HB 35 as amended ordered placed on passage.

On roll call, the vote was: Yeas, 53—Arnold, Bach, Bartley, Brown, Buckner, Bush, Chaudoin, Clore, Coffey, Combs, E. E. Cook, Cottengim, P. F. Davis, W. F. Davis, Everett, Finney, Fitzpatrick, Ford, Greene, Hahn, Hale, Hart, Henry, Hinkle, Hopkins, Huddleston, Isler, H. N. Johnson, Kubale, Lovelace, Lyon, McReynolds, Mackey, Newberry, Nunn, Ratcliffe, Raybourne, Reed, Render, R. Reynolds, Richards, Sowards, Stith, Tinsley, Ed Thomas, S. R. Thomas, Wathen, Wells, Whitehead, Williams, Wilson, Wirsch, Young; Nays, 14—Baumgardner, Breckinridge, Burke, M. W. Cook, Crecelius, Farmer, Gullette, Howard, Kingsbury, Ockerman, Ray, Searcy, Steiger, Walsh.

HB 35 was passed and the title agreed to.

Senate Message

Senate Message announcing passage of **SB 75, SB 81, SB 92, SB 94, SB 118, SB 133, SB 43, SB 106, SB 17, SB 28, SR 39, HR 23, HR 25, HR 30, HR 40, HR 43.**

Motions

Representative Ed Thomas moved that **HB 27** be taken from Orders of the Day and laid on the Clerk's desk. Agreed.

Representative Lowman moved that **HB 12** be made a Special Order for 2:00 p.m., Tuesday, February 18.

On roll call, the vote was: Yeas, 52—Anderson, Arnold, Baumgardner, Brown, Burke, Chaudoin, Clore, Coffey, M. W. Cook, P. W.

Cornett, Crecelius, P. F. Davis, W. F. Davis, Farmer, Ford, Gay, Hahn, Hale, Hall, Hart, Hislope, Hopkins, Howard, Huddleston, Isler, Kingsbury, Lovelace, Lowman, Lyon, McGuire, Mackey, Moore, Newberry, Nunn, Ockerman, Parrish, Qualls, Ratcliffe, Rausch, Ray, Raybourne, Render, R. Reynolds, Richards, Searcy, Steiger, Tanner, Walsh, Wathen, Wells, Williams, Young; Nays, 4—Cottengim, Haley, Henry, Ed Thomas.

Adopted.

Calendar

HB 223, HB 120, HB 202, HB 149, HR 36 were taken from the Calendar and ordered read at length for the second time. Ordered placed in Orders of the Day.

Orders of the Day

Representative Lowman moved that action on **HB 44** be deferred and that it be laid on the Clerk's desk. Agreed.

Representative Lyon moved that **HB 133** be passed, but that it retain its position in Orders of the Day. Agreed.

Representative Breckinridge moved that **HB 85** be passed, but that it retain its position in Orders of the Day. Agreed.

HB 111 taken from Orders of the Day. Representative Ray moved that it be read for the third time by title only and placed on passage. Agreed.

On roll call, the vote was: Yeas, 73—Anderson, Arnold, Bach, Baumgardner, Breckinridge, Brown, Buckner, Burke, Chaudoin, Clore, Coffey, Combs, M. W. Cook, P. W. Cornett, Cottengim, Crecelius, P. F. Davis, W. F. Davis, Duff, Farmer, Finney, Fitzpatrick, Ford, Gay, Greene, Gullette, Hahn, Hale, Haley, Hall, Hart, Henry, Hinkle, Hislope, Hopkins, Howard, Huddleston, Isler, Kingsbury, Kubale, Lovelace, Lowman, Lyon, McGuire, McReynolds, Mackey, Moore, Newberry, Nunn, Ockerman, Parrish, Qualls, Ratcliffe, Rausch, Ray, Raybourne, Reed, Render, R. Reynolds, Richards, Searcy, Steiger, Stith, Tinsley, S. R. Thomas, Walsh, Wathen, Wells, Whitehead, Williams, Wilson, Wirsch, Young; Nays, 0.

HB 111 was passed and the title agreed to.

HB 85 taken from Orders of the Day. Representative Breckinridge moved that it be read for the third time by title only and placed on passage. Agreed.

Representative Ray moved to amend **HB 85** as follows:

Amend printed copy of **HB 85** on page 3, line 47. After the word "proceed" by striking the words "with a mandamus" and substituting therefor the word "by".

Adopted.

Representative Breckinridge moved to amend **HB 85** as follows:

Amend printed copy of **HB 85** on page 3, section 4, line 46. After the words "have the", strike the words "Commonwealth Attorney or the attorney of his own choice", and insert in lieu thereof the words "said attorney".

Adopted.

HB 85 as amended read for the third time.

On roll call, the vote was: Yeas, 77—Anderson, Arnold, Bach, Bartley, Baumgardner, Breckinridge, Brown, Buckner, Burke, Bush, Chaudoin, Clore, Coffey, E. E. Cook, M. W. Cook, P. W. Cornett, Crecelius, P. F. Davis, W. F. Davis, Duff, Everett, Farmer, Finney, Fitzpatrick, Ford, Gay, Greene, Gullette, Hahn, Hale, Haley, Hall, Hart, Henry, Hinkle, Hislope, Hopkins, Howard, Isler, Kingsbury, Kubale, Lovelace, Lowman, Lyon, McCallum, McGuire, McReynolds, Mackey, Moore, Newberry, Nunn, Ockerman, Parrish, Qualls, Ratcliffe, Rausch, Ray, Raybourne, Reed, Render, R. Reynolds, Richards, Searcy, Steiger, Stith, Tanner, Tinsley, Ed Thomas, S. R. Thomas, Walsh, Wathen, Wells, Whitehead, Williams, Wilson, Wirsch, Young; Nays, 0.

HB 85 was passed and the title agreed to.

Representative Fitzpatrick moved that **HB 24** be passed, but that it retain its position in Orders of the Day. Agreed.

HB 72 taken from Orders of the Day. Representative Everett moved that it be read for the third time by title only and placed on passage. Agreed.

On roll call, the vote was: Yeas, 68—Anderson, Arnold, Bach, Bartley, Baumgardner, Breckinridge, Brown, Buckner, Burke, Bush, Chaudoin, Clore, Coffey, Combs, E. E. Cook, M. W. Cook, Cottengim, Crecelius, P. F. Davis, W. F. Davis, Dempsey, Duff, Everett, Farmer, Finney, Greene, Gullette, Hahn, Hale, Haley, Hart, Henry, Hinkle, Hopkins, Huddleston, Isler, H. N. Johnson, Kubale, Lovelace, Lyon, McCallum, McGuire, McReynolds, Mackey, Moore, Newberry, Nunn, Qualls, Ratcliffe, Rausch, Raybourne, Reed, Render, R. Reynolds, Richards, Searcy, Steiger, Stith, Tanner, Tinsley, Ed Thomas, S. R. Thomas, Walsh, Wathen, Willen, Williams, Wirsch, Young; Nays, 0.

HB 85 was passed and the title agreed to.

HB 73 taken from Orders of the Day. Representative Everett moved that it be read for the third time by title only and placed on passage. Agreed.

Representative Everett moved that **HB 73** be laid on the Clerk's desk. Agreed.

Senate Message

Senate message announcing passage of **SR 47**.

Representative Everett moved the adoption of **SR 47**, seconded by Representative Lowman. Adopted.

SR 47, A CONCURRENT RESOLUTION requesting a joint meeting of the Senate and the House of Representatives on the nuclear energy potential of the Commonwealth of Kentucky.

WHEREAS, the 1958 General Assembly has under consideration the legislative establishment of a State agency on Nuclear Energy to encourage and support State programs on nuclear development, to develop liaison with Federal agencies, and to promote the peaceful applications of nuclear energy;

NOW, THEREFORE,

Be it resolved by the Senate of the Commonwealth of Kentucky, the House of Representatives concurring therein:

Section 1. That the Senate and the House of Representatives of the General Assembly of the Commonwealth of Kentucky shall meet in joint session in the House of Representatives on February 20, 1958 (Thursday), at 1:30 p.m. if agreeable to the House of Representatives of which the Senate will be advised, to hear an address by Mr. S. R. Sapirie, Manager, Oak Ridge Operations, United States Atomic Energy Commission, Oak Ridge, Tennessee, a nationally known expert on nuclear energy, so as to advise the General Assembly of nuclear energy affairs at the Federal level, Kentucky's potential for peaceful adaptations of nuclear energy, and the factors conducive to a favorable climate for the development of nuclear energy.

Section 2. That the General Assembly does express its gratitude and appreciation to Mr. Sapirie for his favor in accepting an invitation to appear and inform the members of the General Assembly on nuclear energy.

Orders of the Day

HB 93 taken from Orders of the Day. Representative McCallum moved that it be read for the third time by title only and placed on passage. Agreed.

On roll call, the vote was: Yeas, 79—Anderson, Arnold, Bach, Baumgardner, Breckinridge, Brown, Buckner, Burke, Bush, Chaudoin, Clore, Coffey, Combs, E. E. Cook, M. W. Cook, P. W. Cornett, Crecelius, P. F. Davis, W. F. Davis, Duff, Everett, Farmer, Finney, Fitzpatrick, Ford, Gay, Greene, Gullette, Hahn, Hale, Haley, Hall, Hart, Henry, Hinkle, Hopkins, Howard, Huddleston, Isler, H. N. Johnson, Kingsbury, Kubale, Lovelace, Lowman, Lyon, McCallum, McGuire, McReynolds, Mackey, Moore, Newberry, Nunn, Ockerman, Parrish, Qualls, Ratcliffe, Rausch, Ray, Raybourne, Reed, Render, R. Reynolds, Richards, Searcy, Sowards, Steiger, Tanner, Tinsley, Ed Thomas, S. R. Thomas, Walsh, Wathen, Wells, Whitehead, Willen, Williams, Wilson, Wirsch, Young; Nays, 0.

HB 93 was passed and the title agreed to.

Representative McCallum moved that the vote by which **HB 93** was passed be reconsidered and said motion laid on the table. Agreed.

HB 140 taken from Orders of the Day. Representative Everett moved that it be read for the third time by title only and placed on passage. Agreed.

Representative Williams moved that **HB 140** be laid on the Clerk's desk. Agreed.

HB 151 taken from Orders of the Day. Representative Qualls moved that it be read for the third time by title only and placed on passage. Agreed.

On roll call, the vote was: Yeas, 69—Anderson, Arnold, Bach, Breckinridge, Brown, Buckner, Burke, Bush, Chaudoin, Clore, Coffey, Combs, E. E. Cook, M. W. Cook, P. W. Cornett, Crecelius, P. F. Davis, W. F. Davis, Duff, Everett, Farmer, Finney, Fitzpatrick, Ford, Gay, Greene, Hahn, Hale, Haley, Hall, Hart, Hinkle, Hislope, Hopkins, Howard, Huddleston, Kingsbury, Kubale, Lovelace, Lowman, Lyon, McCallum, McReynolds, Mackey, Moore, Newberry, Nunn, Ockerman, Parrish, Qualls, Ratcliffe, Rausch, Ray, Raybourne, Reed, Render, Richards, Searcy, Steiger, Stith, Ed Thomas, S. R. Thomas, Wathen, Wells, Whitehead, Williams, Wilson, Wirsch, Young; Nays, 0.

HB 151 was passed and the title agreed to.

Reference of Bills

The Speaker announced the reference of the following bills and resolutions:

Agriculture and Conservation: **HB 328.**

Appropriations and Revenues: **HB 305, HB 312 ,HB 324, HB 330.**

Judiciary, Executive and Legislative Affairs: **HB 329, HB 333.**

Labor and Industry: **HB 313.**

Municipal and County Government: **HB 307, HB 314, HB 315, HB 318, HB 320, HB 321, HB 326, HB 327, HB 332.**

Suffrage, Elections and Constitutional Amendments: **HB 322, HB 323.**

Ways and Means: **HB 306, HB 308, HB 309, HB 310, HB 311, HB 316, HB 317, HB 319, HB 325, HB 331.**

Orders of the Day

HB 152 taken from Orders of the Day. Representative Greene moved that it be read for the third time by title only and placed on passage. Agreed.

On roll call, the vote was: Yeas, 67—Anderson, Arnold, Bach, Baumgardner, Breckinridge, Brown, Buckner, Burke, Bush, Chaudoin, Clore, Coffey, E. E. Cook, M. W. Cook, P. W. Cornett, Cottengim, Crecelius, P. F. Davis, W. F. Davis, Duff, Everett, Farmer, Ford, Greene, Gullette, Hahn, Hale, Haley, Hall, Henry, Hinkle, Hislope, Hopkins, Howard, Isler, H. N. Johnson, Kingsbury, Kubale, Lovelace, Lyon, McReynolds, Mackey, Newberry, Nunn, Ockerman, Parrish, Qualls, Rausch, Ray, Raybourne, Reed, Render, R. Reynolds, Searcy, Sowards, Steiger, Tinsley, S. R. Thomas, Walsh, Wathen, Wells, Whitehead, Willen, Williams, Wilson, Wirsch, Young; Nays, 0.

Representative Qualls moved to amend the title to **HB 152** as follows:

Amend the Title of **HB 152** by adding: "This Act shall be known as the Greene-Qualls Act."

Agreed.

HB 152 as amended was passed and the title agreed to.

Introductions

The following Bills and Resolutions were introduced:

HB 334, by Representative Everett, AN ACT relating to peremptory challenges allowed defendants.

HB 335, by Representative Everett, AN ACT relating to peremptory challenges allowed the Commonwealth in the selection of juries in criminal cases.

HB 336, by Representative Everett, AN ACT relating to joinder of offenses charged in indictments, joinder of defendants therein, and the trial of such defendants, jointly, providing relief from prejudicial joinder and repealing Section 126 (1), Section 127, and Section 237 of Carroll's Kentucky Criminal Code of Practice.

HB 337, by Representatives Lovelace, Arnold, Hahn, AN ACT relating to cities of the fourth class.

HB 338, by Representatives Hingle, Mackey, AN ACT relating to conservation officers.

HB 339, by Representative Render, AN ACT relating to strip mining.

HB 340, by Representative Henry, AN ACT relating to licenses for race tracks.

HB 341, by Representatives Wathen, Clore, AN ACT relating to the Ohio River bed.

HB 342, by Representative Newberry, AN ACT relating to the production and sale of milk.

HB 343, by Representatives Sowards, Williams, Greene, Hale, Hall, E. Thomas, Bach, Finney, Brown, AN ACT relating to the practice of medicine.

HB 344, by Representative M. W. Cook, AN ACT relating to libel.

HB 345, by Representative Ratcliffe, AN ACT relating to the Department of Agriculture, Labor and Statistics.

HB 346, by Representative Breckinridge, AN ACT relating to the Council on Public Higher Education in Kentucky, and making an appropriation.

HB 347, by Representative McGuire, AN ACT relating to second-class city government.

HB 348, by Representative Henry, AN ACT relating to the purchase of firearms.

HB 349, by Representative Breckinridge, AN ACT relating to domestic relations.

HB 350, by Representative Stith, AN ACT relating to mental health.

HB 351, by Representative Stith, AN ACT relating to mental health.

HB 352, by Representative Stith, AN ACT relating to alcoholism and providing for the commitment, scientific treatment and rehabilitation of alcoholics.

HB 353, by Representative Stith, AN ACT relating to the transportation of mental patients.

HB 354, by Representatives Greene, Reed, AN ACT relating to liability insurance for state motor vehicle operators.

HB 355, by Representative Gullette, AN ACT relating to divorce.

HB 356, by Representative Fitzpatrick, AN ACT relating to revenue and taxation.

HR 55, by Representative Lovelace, A JOINT RESOLUTION authorizing Arnie Brown of Carlisle County, Kentucky, to sue the Department of Highways and the Commonwealth of Kentucky, or either.

HR 56, by Representative Lovelace, A JOINT RESOLUTION authorizing G. G. Milner and Effie Lee Milner, husband and wife, of Carlisle County, Kentucky, to sue the Department of Highways and the Commonwealth of Kentucky, or either.

HR 57, by Representative Cottengim, A CONCURRENT RESOLUTION requesting that the Civil Aeronautics Board give immediate consideration to a petition seeking scheduled airline service to Frankfort, Kentucky.

HR 58, by Representative Gay, A JOINT RESOLUTION authorizing civil action against the Commonwealth of Kentucky and the Department of Welfare, or either, in the interest of James Burdette.

Representative Everett moved that the House adjourn until 1:00 p.m., February 18. Agreed.

TUESDAY, FEBRUARY 18, 1958

THIRTY-FOURTH LEGISLATIVE DAY

The House was called to order by the Speaker, Mr. Weintraub.

Invocation by the Reverend Samuel Elmore Blackard, of the Church of the Ascension (Episcopal), of Frankfort.

The roll was called. All present except Buckner, Casey, Coffey, Fields, Huston Johnson, Kincer, Lyon, Miller.

Representative Chaudoin moved that absent members be granted leaves of absence. Agreed.

Reading of the Journal for February 17 dispensed with and the same approved on motion of Representative Isler.

Senate Message

Senate message announcing passage of **HR 48, SR 8, SR 20, SB 46, SB 67, SB 60, SB 13.**

Introductions

Representative Kingsbury moved the adoption of **HR 59.** Adopted.

HR 59, by Representatives Kingsbury, Cottengim, Fitzpatrick, Wirsch, Weintraub, Isler, A RESOLUTION expressing the regret of the House of Representatives of the General Assembly of Kentucky at the death of the Honorable Joseph P. Goodenough, Judge of the Kenton Circuit Court.

WHEREAS, the Almighty in his infinite wisdom has seen fit to call for among his people, the Honorable Joseph P. Goodenough, Judge of the Circuit Court of the County of Kenton, and,

WHEREAS, Judge Goodenough has faithfully and well served the people of Covington and Kenton County for 28 years of his life span.

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

That it extend its deepest sympathy to the family of Judge Goodenough, the citizens of Kenton County and the Bar Association of Kenton County, in its irreparable loss; and,

FURTHER, BE IT RESOLVED, that the House of Representatives take all cognizance of the many abilities of Judge Goodenough, of his humility and humanity, his love for his fellowman, his ever-present and never-failing good humor, his devotion to his duty and to his community, his high regard for the law and the courts of the land; and,

FURTHER, BE IT RESOLVED, that a copy of this resolution be forwarded to the Kenton Circuit Court, to the Fiscal Court of the

County of Kenton, to the Kenton County Democratic Club of which he was a loyal and active member and to the bereaved members of his family, his wife, Mrs. Hilda Cuni Goodenough, and his son, Daniel J. Goodenough, with the assurances that all Kentucky mourns the passing of an able son and distinguished citizen, and,

That when the House of Representatives adjourns today it adjourns in memory of Judge Joseph P. Goodenough, a public servant who has given much to the Commonwealth he loved and served.

Representative Searcy moved the adoption of **HR 60.** Adopted.

HR 60, by Representative Searcy, a RESOLUTION requesting the Governor of the Commonwealth to proclaim December 12, "Kentucky Day."

WHEREAS, our beloved Commonwealth is steeped in tradition, romance and history;

WHEREAS, a frequent reminder of such a heritage cannot but benefit both the Commonwealth and her illustrious citizens; reawakening the sense of pride and the passion for progress with which all Kentuckians are so abundantly endowed; and

WHEREAS, although antedated by many events of historical significance, December 12, 1849, the date on which Dr. Thomas Walker agreed to make the first survey of Kentucky, is one to be lastingly remembered by Kentuckians:

NOW, THEREFORE,

Be it resolved by the House of Representatives of the Commonwealth of Kentucky:

Section 1. That the Governor of the Commonwealth of Kentucky be and is hereby requested to proclaim the twelfth day of December of each year "Kentucky Day."

Section 2. That all Kentuckians mark the occasion of "Kentucky Day" by symbols and activities appropriate to the traditions which the day honors.

HR 61, by Representatives Wathen, Arnold, A JOINT RESOLUTION directing the Legislative Research Commission to make a study of mosquito-control programs.

Motions

Representative Searcy moved for suspension of the rules to allow **HB 140** to be taken from Orders of the Day and placed on passage. Agreed.

Representative Searcy moved to amend **HB 140** as follows:

Amend printed copy of **HB 140** on page 2, section 2, lines 10 and 11 by striking all the words on lines 10 and 11 in Section 2 after the word "Glasgow".

Adopted.

HB 140 as amended read for the third time. On roll call, the vote was yeas 62—Anderson, Arnold, Bartley, Barton, Baumgardner, Billington, Breckinridge, Burke, Bush, Chaudoin, Clore, Combs, E. E. Cook, Cottengim, Crecelius, P. F. Davis, Farmer, Finney, Ford, Greene, Gullette, Hahn, Hale, Hall, Hart, Henry, Hinkle, Hopkins, Huddleston, Isler, Kingsbury, Kubale, Lovelace, Lowman, McCallum, McGuire, McReynolds, Mackey, Moore, Newberry, Nunn, Ockerman, Parrish, Ratcliffe, Rausch, Ray, Raybourne, R. Reynolds, Richards, Searcy, Smith, Steiger, Stith, Tinsley, S. R. Thomas, Wathen, Wells, Whitehead, Willen, Williams, Wilson, Young; Nays 0.

HB 140 was passed and the title agreed to.

Report of Committees

The Committee on Education reported **SB 107, SB 108, HB 283, HB 284** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 107, AN ACT relating to the Teachers' Retirement System, amending Sections 161.520 and 161.660 of the Kentucky Revised Statutes and creating additional sections.

WHEREAS, the basic provisions of the Teachers' Retirement Act were amended effective July 1, 1955, to provide larger contributions under Section 161.540 and larger retirement and disability allowances under Sections 161.620 and 161.660 for members of the Retirement System then in active service; and

WHEREAS, no adequate provision was made for teachers already retired at July 1, 1955, nor for the transition from the lower benefits in effect prior to such date to the more adequate allowances accruing on and after such date under the aforesaid amendments; and

WHEREAS, the cost of living continues to increase and financial relief should be granted in the form of increases in benefits to teachers already retired, as well as to those who will retire during the aforesaid transition period;

NOW, THEREFORE, it is declared to be the policy and intention of the General Assembly to provide an increase in payments to teachers now retired, and to teachers retiring during the next several years, in order to make a transition from the lower allowances previously provided, to the higher level of benefits that eventually will be attained under the amendments effective July 1, 1955.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) Beginning July 1 next following the enactment of this Bill,

each teacher retired prior to July 1, 1955, and each teacher retired thereafter who has not received service credit subsequent to that date, shall be entitled to an increase in his retirement or disability allowance equal to thirty per cent of such allowance, and each teacher retired subsequent to said date having service credit subsequent thereto, shall be entitled to an increase in his retirement or disability allowance on a scale to be fixed by the Board of Trustees with the advice of the actuary. In fixing said scale the Board of Trustees shall reduce the increase established by this Section by an amount not exceeding ten per cent of the maximum increase for each service credit year earned subsequent to July 1, 1955. Such reduction of the arbitrary increase fixed by this Section may be established at less than the aforesaid ten per cent for each service year's credit if the Board determines that the value to the annuitant of the increase in the allowance of each service year subsequent to the aforesaid date is less than the amount of said reduction.

(2) In the event the total annual allowance provided under (1) of this Section is an amount less than the service credit years of the teacher multiplied by twenty-five dollars, then the provision of (1) shall not apply, but instead the annual allowance shall be twenty-five dollars per service credit year.

(3) In the case of teachers retired or retiring under an option as provided in Section 161.630, Kentucky Revised Statutes, the increases provided under (1) and (2) of this Section shall be applied in the same proportion to the benefits of the teacher and his beneficiary or beneficiaries.

(4) Increases in retirement allowances provided under (1), (2) and (3) of this Section shall not apply to allowance accrued by reason of voluntary contributions.

(5) No retroactive payments shall be made under (1), (2) and (3) of this Section prior to the beginning date of such increases.

(6) The increases provided in this Section shall be payable for the life of the annuitant and in the same manner and time as provided in 161.640, Kentucky Revised Statutes.

Section 2. 161.520 of the Kentucky Revised Statutes is amended to read as follows:

(1) Membership in the Retirement System shall be terminated: (a) by retirement for disability or superannuation; (b) by death; (c) by withdrawal; (d) when a teacher who is absent from service withdraws his deposits in the fund; or (e) when a teacher is absent from service three out of six consecutive years, unless the Board of Trustees in accordance with its rules and regulations grants a longer period, not in excess of six years, of absence from active service as a teacher without the loss of his status as a member.

(2) Prior service rights shall be forfeited upon withdrawal, and if the teacher again enters the service, it shall be as a new teacher, except that any teacher who withdraws by claiming his deposits may, before he is absent from service three school years, repay to the System the sums he received from it upon his withdrawal with regular interest and thus re-establish his prior service rights.

(3) In case of withdrawal from service prior to eligibility for retirement, the Board of Trustees shall return to the teacher all of his accumulated contributions, but the teacher shall have no claim upon any contributions made by the State with a view to his retirement. If the member is eligible for a retirement allowance provided by 161.600, 161.610 or 161.620, no withdrawal and refund shall be permitted, but in lieu thereof the teacher shall be entitled to the retirement or disability allowance provided by the Retirement System.

(4) Except as provided in subsection (5) hereunder, in case of death prior to retirement the Board of Trustees shall pay to the estate of the deceased member or to his assigns all of his accumulated contributions, with regular interest, but the estate or assigns shall have no claim on any contributions made by the state with a view to the retirement of the teacher.

(5) (a) Upon the death of an active member who has had subsequent service credit for at least six years and who was in service for at least one full fiscal year immediately prior to his death or prior to the beginning of his last illness, or upon the death of a teacher retired for disability, the Board of Trustees shall pay to the estate or assigns of the deceased teacher a refund of his accumulated contributions, provided that, if the deceased teacher is survived by a spouse whose marriage to the deceased teacher was at least one year prior to the teacher's death, an unmarried child or children under eighteen years of age, or a dependent parent or parents, such survivor or survivors in the order named may elect to receive in lieu of the accumulated contributions a survivors benefit described hereinafter in this Section, payable under the conditions specified.

(b) If the survivor is a spouse, the benefit shall be forty dollars per month, or one-half the retirement allowance that the teacher would have received had he been eligible and retired at the date of his death or was receiving as a disabled teacher at the date of death, whichever is larger. If both a spouse and unmarried children under eighteen years of age survive the deceased, the benefits shall be increased by forty dollars per month in the case of one such child, seventy dollars per month in the case of two such children, and ninety dollars per month in the case of three such children, and one hundred dollars per month in the case of four or more such children.

(c) If no spouse survives the deceased member and a child or children survive, the benefits payable to the child or children shall be at the rates specified in (b) above. These benefits shall apply to legally adopted survivors provided the proceedings for adoption were initiated at least one year prior to the death of the member.

(d) If no spouse or children survive the deceased member, a dependent parent or parents aged sixty-five or over shall be entitled to receive a benefit of forty dollars per month for each parent. Dependency of a parent shall be established as of the date of the death of the member and shall be presumed to exist if the parent was receiving at least one-half of his support from the deceased teacher.

(e) The benefit to a child, spouse or dependent parent shall terminate upon the attainment of age eighteen or the marriage of the child, or the re-marriage of the spouse or parent, if such parent was unmarried at the date of the death of the deceased member. The benefit to a spouse or parent shall not be payable to any such beneficiary during the time he is receiving an annuity, pension or allowance in excess of forty dollars per month from a retirement or pension system in the State of Kentucky financed in whole or in part by public contributions, excluding Old Age and Survivors Insurance, or is earning more than eighteen hundred dollars per year from gainful employment.

(f) The Board of Trustees shall be the sole judge of eligibility or dependency of any beneficiary, and may require formal application or information relating thereto, and may subpoena records and individuals whenever it deems such action necessary.

(g) No payments of benefits shall be made unless the Board of Trustees shall have authorized such payments. The Board shall formulate and adopt necessary rules and regulations for the administration of the foregoing provisions and in every case the decision of the Board of Trustees shall be final as to eligibility, dependency or disability, and amounts of benefit payable.

Section 3. 161.660 of the Kentucky Revised Statutes is amended to read as follows:

Any member who has completed ten years or more of accredited service in the public schools, or other covered positions, of the State of Kentucky, five years of which immediately preceded retirement, may retire for disability, and shall be granted a disability allowance to be paid from the funds of the Retirement System. The disability allowance of each member retiring for disability shall be calculated in the same manner as the allowance for a superannuated member, except that the age factor used in determining the annuity shall be the factor for age sixty for disabled members under the age of sixty. The maximum and minimum provisions that apply to members retiring for superannuation shall apply to all cases of retirement for disability, except that in no case shall the allowance be less than fifty dollars per month. All members now retired for disability that are under the age of sixty years and are receiving less than this minimum shall be increased to said minimum beginning July 1 next following the date of approval of this Act. Members retired or retiring for disability may elect any of the options under Section 161.630, Kentucky Revised Statutes, upon reaching the age of sixty.

Section 4. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) Upon the death of a retired teacher who at time of death is receiving a retirement or disability allowance, or upon the death of an active member whose survivors can qualify for benefits under Section 2, a death benefit of five hundred dollars shall be paid to his estate or assigns following application to the Board of Trustees, together with acceptable evidence of death and eligibility.

(2) Suit or civil action shall not be required for the collection of the death benefit provided herein, but nothing in this section shall prevent the maintenance of suit or civil action against the beneficiary or legal representative receiving the death benefit.

SB 108, AN ACT relating to the Teachers' Retirement System of the State of Kentucky, amending Sections 161.340 and 161.430 of the Kentucky Revised Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 161.340 is amended to read as follows:

The board of trustees shall elect from its membership a chairman and shall by a majority vote of all its members appoint a secretary who is not a member of the board. The secretary shall at the time of appointment be at least thirty-five years of age, a graduate of a standard four-year college, have had at least ten years' experience as a teacher, and be eligible for membership in the retirement system. He shall be paid an adequate salary in accordance with established personnel classifications, which may not exceed the sum of ten thousand dollars per annum. He shall not have held, by appointment or election, an elective office within the five-year period next preceding the date of appointment. The board shall engage such actuarial, legal, medical and other technical services and such clerical or other services as are required to transact the business of the retirement system. The compensation of all persons engaged by the board and all other expenses of the board necessary for the operation of the retirement system shall be paid at such rates and in such amounts as the board approves.

Section 2. KRS 161.430 is amended to read as follows:

(1) The board of trustees shall be the trustee of the funds of the retirement system, and shall have full power and responsibility

for the investment and disbursement of the funds. No investment shall be made of the funds except in the following:

(a) Obligations of the United States and obligations for which the faith of the United States is pledged for the payment of the interest and principal;

(b) Obligations of the Commonwealth of Kentucky and obligations of its departments, including revenue bonds;

(c) Obligations of any city of the first, second, third and fourth classes of the Commonwealth of Kentucky which are payable from voted taxes;

(d) School improvement bonds issued in accordance with authority granted under KRS 162.080 to and including KRS 162.100;

(e) School building revenue bonds issued in accordance with authority granted under KRS 162.120 and including KRS 162.300, provided the issuance of such bonds is approved by the State Board of Education;

(f) Revenue bonds issued by educational institutions of the Commonwealth of Kentucky as authorized by KRS 162.340 to and including KRS 162.380;

(g) Bonds issued by corporations organized under the laws of the United States or of any state in the United States, or of the District of Columbia, when such bonds have a rating of the highest or next highest classification made by a nationally known major rating service;

(h) Deposits in banks or trust companies in the Commonwealth of Kentucky organized under the laws of this state, or of the United States, when such deposits are interest bearing at a rate not lower than two per centum per annum, and when such deposits are fully secured by direct obligations of the United States Government or of the Commonwealth of Kentucky, placed in the hands of the State treasurer and approved by the board of trustees.

(2) (a) Not more than twenty-five per cent of any one issue may be purchased by the board of trustees as an investment; and not more than five percent of the invested funds of the retirement system may be invested in the obligations of any issuer except in the case of obligations of the United States Government. For the purpose of this subsection revenue bond obligations of the Commonwealth of Kentucky or its departments and agencies shall not be deemed to be obligations of the same obligor if the revenues pledged are derived from separate projects. No investment may be made in any obligation of any issuer which has been in default on any of its bonds or interest during a period of the last ten years immediately preceding the purchase.

(b) No more than twenty-five percent of the assets of the Retirement System may be invested in all of the foregoing classification of (c), (d), (e) and (f) of subsection (1) of this section; and not more than twenty-five percent of the assets of the retirement system may be invested in corporate bonds of classification (g) of subsection (1) of this section.

(3) No investment or disbursement of the funds shall be made unless authorized by resolution adopted by the board of trustees.

HB 283, AN ACT relating to the title to school property.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 162.010 of the Kentucky Revised Statutes is amended to read as follows:

The title to all property owned by a school district is vested in the Commonwealth for the benefit of the district board of education. In the acquisition of land for school purposes, whether by purchase or condemnation, or otherwise, the title obtained shall be in fee simple, except that title to land received from the Federal Government or any agency thereof can be received in other than fee simple with the approval of the Attorney General of the Commonwealth. Any reversionary interest in any land held by boards of education on June 14, 1934 shall not deprive such boards of the ownership of the buildings or other improvements thereon.

HB 284, AN ACT relating to membership on boards of education.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 160.220 of the Kentucky Revised Statutes is amended to read as follows:

All elections for members of boards of education shall be by secret ballot. The ballot shall be on a separate sheet from all other ballots used in any election. The county clerk shall cause to be printed on the ballot the names of legally eligible candidates in whose behalf he is petitioned to do so in writing by not less than fifty legal voters of the county school district, division or independent school district, as the case may be, except that in independent school districts embracing a city of the first or second class the number of such petitioners shall not be less than one hundred. The petitions must be filed as provided in KRS 118.120 and 118.130. Each petition must be signed by the requisite number of qualified persons, and shall show the district or the division of the county district, as the case may be, and the place of residence of each person signing it. In county school district divisions no person shall sign more than one petition, and in independent school districts not more petitions than the number of offices to be filled. In addition, before a candidate's name can be printed on the ballot, he must submit to the county clerk evidence that he has completed the eighth grade in the common schools or that he has the equivalent of an eighth grade education, in accordance with KRS 160.180.

The Committee on Appropriations and Revenues reported **HB 255, HR 41, HB 270, HB 82** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 255, AN ACT relating to highway improvement.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) The Department of Highways may, as a part of its overall maintenance program, cause improvements in the form of some type of all weather surface to be made to entrances to schools, churches, hospitals, public health buildings, and cemeteries, which are located without the corporate limits of any city or town, when in the discretion of the Commissioner the general health, safety and welfare of the citizens of the Commonwealth will be thereby promoted. The length of such improvement shall not exceed one thousand feet.

(2) The provisions of this Act shall not apply to privately owned cemeteries or those owned or operated by any individual, corporation or association for profit.

HR 41, A JOINT RESOLUTION authorizing and directing the Departments of Conservation, Public Relations, and Agriculture, Labor and Statistics to formulate, inaugurate and effectuate a Lincoln Memorial Sesquicentennial, and making an appropriation therefor.

WHEREAS, the year one thousand nine hundred and fifty nine, anni domino, marks the one hundred and fiftieth birthday of Abraham Lincoln, native Kentuckian, sixteenth president of the United States of America and one of the world's great humanitarians;

WHEREAS, the accomplishments of this great American attained through honesty, integrity, moral courage, perseverance and personal sacrifice have reflected universal undying credit and glory upon our beloved Commonwealth of Kentucky;

WHEREAS, it is deemed fitting and proper that the Commonwealth honor the said Abraham Lincoln on the advent of the sesquicentennial year of his birth in a manner in some measure commensurate with the honor which his deeds have brought;

WHEREAS, such an undertaking will require the concerted efforts of a great many citizens throughout the Commonwealth necessitating the designation of some organization or organizations to coordinate, direct and actively participate in such efforts;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Department of Conservation be and is hereby authorized and directed to promote the issuance of a Lincoln Memorial Stamp and for the establishment of a temporary branch post office at Lincoln Memorial Park, to remain open from January 1, 1959 through September 30, 1959, through which such stamps would be sold.

Section 2. That the above named department exert every effort to procure the services of a suitable playwright to write and direct an appropriate play or pageant, utilizing the services of students of schools in central Kentucky, and cause such play or pageant to be presented in a different city or community of the Commonwealth each weekend from the first of February 1959 through June 15, 1959; in the various state parks each weekend from June 16, 1959 through July 13, 1959; nightly in front of the Lincoln Memorial in Hodgenville from July 15, 1959 through August 31, 1959 and nightly at the 1959 Kentucky State Fair and Exposition.

Section 3. That the Department of Public Relations display prominently in all promotional brochures, pamphlets and advertisements, designed to attract tourists, the Lincoln Sesquicentennial theme.

Section 4. That the Department of Public Relations cause to be prepared appropriate literature and other material for distribution to state and national parks, service stations, automobile clubs and other civic organizations; and that the Department of Public Relations prepare or have prepared Lincoln publication formats and present them to all publishers of printed matter in the state urging the dissemination of the material therein.

Section 5. That the Department of Agriculture, Labor and Statistics make provision for the Kentucky State Fair and Exposition to accord the Lincoln Sesquicentennial celebration a place of prominence in its plans for the 1959 State Fair and Exposition designating opening day as "Lincoln Memorial Day" and attempt to induce all major companies in the United States including "Lincoln" in their corporate names to sponsor a suitable display in the commerce and industry section.

Section 6. That the sum of $3,500 is appropriated to the Department of Public Relations out of the General Fund for the purposes of this Resolution.

HB 270, AN ACT relating to compensation of circuit judges, making an appropriation therefor.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The compensation of circuit judges, payable out of the State Treasury, shall be eight thousand four hundred dollars per annum for each judge.

Section 2. Section 64.500 of the Kentucky Revised Statutes is amended to read as follows:

The fiscal court of any one or more counties located in any judicial district may allow and pay to the judge or judges of the circuit court of the district such annual sum as will reimburse the judge or judges for such incidental and office expenses incurred in discharging the duties of the office, including, but not limited to, office rental, lights and heat, stenographic services, postage, telephone service, supplies, stationery, books and periodicals, as the fiscal court deems just and proper. Two or more counties in the same district may prorate or divide any allowance for such expenses.

Section 3. Nothing contained in this Act shall be construed to repeal or modify the provisions of KRS 64.505 or the provisions of KRS 24.270.

Section 4. In addition to other appropriations made, to the Judiciary, there is hereby appropriated out of the General Fund to the Judiciary for salaries and expenses of circuit judges the sum of $52,200 for each of the fiscal years 1958-1959, and 1959-1960, and to the Judiciary for the circuit judges retirement system the sum of $1,044 for each of the fiscal years 1958-1959 and 1959-1960.

HB 82, AN ACT relating to taxation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 132.020 of the Kentucky Revised Statutes is amended to read as follows:

An annual ad valorem for state purposes of five cents upon each one hundred dollars of value of all real property directed to be assessed for taxation, and five cents upon each one hundred dollars of value of all tobacco directed to be assessed for taxation, and twenty-five cents upon each one hundred dollars of value of all money in hand, shares of stock, notes, bonds, accounts and other credits, whether secured by mortgage, pledge or otherwise, or unsecured, five cents upon each one hundred dollars of value of unmanufactured agricultural products, five cents upon each one hundred dollars of the agreed sale price of contracts of sale or real estate, and fifty cents upon each one hundred dollars of value of all property directed to be assessed for taxation shall be paid by the owner or person assessed except as provided in KRS 132.030, 132.050, 132.200, 136.270, 136.300, 136.320, and other sections providing a different tax rate for particular property.

Orders of the Day

Action deferred on **HB 133**, by approval of the House, due to the illness of the sponsor.

Action deferred on **HB 24** at the request of the sponsor and with the approval of the House.

HB 157 taken from Orders of the Day. Representative Everett moved that it be read for the third time by title only and placed on passage. Agreed.

On roll call, the vote was: Yeas, 88—Anderson, Arnold, Bach, Bartley, Barton, Baumgardner, Billington, Breckinridge, Brown, Buchanan, Buckner, Burke, Burress, Bush, Chaudoin, Clore, Coffey, Combs, E. E. Cook, M. W. Cook, Bill Cornett, P. W. Cornett, Cottengim, Crecelius, P. F. Davis, W. F. Davis, Dempsey, Duff, Everett, Farmer, Finney, Fitzpatrick, Ford, Gay, Greene, Gullette, Hahn, Hale, Haley, Hall, Hart, Henry, Hinkle, Hislope, Hodges, Hopkins, Howard, Huddleston, Isler, H. N. Johnson, Kingsbury, Kubale, Lovelace, Lowman, McCallum, McGuire, McReynolds, Mackey, Moore, Newberry, Nunn, Ockerman, Parrish, Peace, Qualls, Ratcliffe, Rausch, Ray, Raybourne, Rayburn, Render, C. R. Reynolds, R. Reynolds, Richards, Searcy, Smith, Sowards, Stith, Tanner, S. R. Thomas, Walsh, Wathen, Wells, Willen, Williams, Wilson, Wirsch, Young. Nays 0.

HB 157 was passed and the title agreed to.

Representative Lowman moved that the rules be suspended for introduction of a resolution. Agreed.

Introductions

HR 62, by Representatives Cottengim, Isler, Kingsbury, Fitzpatrick, Weintraub, A RESOLUTION expressing to the City of Covington the congratulations of the House of Representatives upon its obtaining the services of the Honorable Glenn L. Lovern as City Manager.

Representative Lowman moved adoption of **HR 62.** Adopted.

HR 62, A RESOLUTION expressing to the City of Covington the congratulations of the House of Representatives upon its obtaining the services of the Honorable Glenn L. Lovern as city manager.

WHEREAS, the governing body of the City of Covington has exhibited sound judgment and a high degree of concern for the welfare of the citizens of that city in having selected Glenn L. Lovern for the position of city manager;

WHEREAS, the City of Covington is most fortunate in having been able to secure the services of the said Glenn L. Lovern;

WHEREAS, the Commonwealth of Kentucky has been benefited by the return of this outstanding administrator to his native state;

WHEREAS, it is most gratifying in this midst of an era of exodus of people of proven and potential leadership qualities from the Commonwealth, that a coordinator, administrator and leader of the stature of the said Glenn L. Lovern has chosen to return; and

WHEREAS, it appears proper, this august body being interested, to the exclusion of all else, in the welfare of the citizens of the Commonwealth, that the congratulations of this said body be extended to any community which is successful in any attempt at self betterment and therefore betterment of the entire Commonwealth.

NOW, THEREFORE,

Be it Resolved by the House of Representatives of the Commonwealth of Kentucky:

Section 1. That the City of Covington, Kentucky, be and is hereby extended the congratulations of the House of Representatives of the Commonwealth of Kentucky upon its exercise of sound judgment in offering the position of city manager to the Honorable Glenn L. Lovern and upon its exceeding good fortune in having the said Glenn L. Lovern accept.

Section 2. That the Clerk of the of House of Representatives cause copies of this resolution to be sent to the mayor and each of the commissioners of the City of Covington, Kentucky.

Special Order of Business

At the hour of 2:00 p.m., in accordance with a Special Order of the House, **HB 12** was taken from Orders of the Day and ordered placed on passage.

Representative Cottengim moved to amend **HB 12** as follows:

Amend printed copy of **HB 12** on line 1 by adding thereafter the following:

Section 138.510 of the Kentucky Revised Statutes is amended to read as follows:

An excise tax is imposed on every person, association or corporation which operates a running or trotting horse race track at which wagering is conducted through a pari-mutuel or other similar system, as follows:

(1) The tax on wagering at non-profit race tracks shall be an amount equal to two percent of all money wagered during the year. A non-profit race track as used in this section means an association or corporation which operates a running or trotting horse race track and which is not authorized by its charter to pay dividends, currently or in liquidation, to any of its stockholders, or to make any distribution of its profits to its members, and all the profits of such association or corporation, in excess of operating expenses and amounts expended or reasonably reserved for the repair, maintenance or improvement of the track, grounds and facilities at which it so operates, are used solely for, or are paid to some other association, corporation, institution, agency, foundation, society, or other organization in the United States, to be used by it or another such organization solely for scientific, educational or charitable purposes in such a manner that no part of such profits inure to the benefit of any stockholder or member of

such organization nor to the benefit of any stockholder or member of the corporation or association which operates the track. No association or corporation shall be considered as operating a non-profit race track if any officer, employe, member or shareholder thereof receives or is entitled to receive, directly or indirectly, any pecuniary profit therefrom except reasonable compensation for necessary services actually rendered in the ordinary conduct of its business;

(2) The tax on wagering at all other tracks shall be an amount equal to five percent of the first eighteen million dollars wagered during the year, and six percent of all money in excess of eighteen million dollars wagered during the year;

(3) A year as used in this section means the fiscal year.

Section 138.530 is amended to read as follows:

(1) The Department of Revenue shall enforce the provisions of and collect the tax and penalties imposed and other payments required by KRS 138.510 to 138.550, and in doing so it shall have the general powers and duties granted it in KRS Chapter 131 and KRS 135.050, including the power to enforce, by an action in the Franklin Circuit Court, the collection of the tax, penalties and other payments imposed or required by KRS 138.510 to 138.550.

(2) The remittance of the tax imposed by KRS 138.510 shall be made to the Department of Revenue the next business day following each day of racing, during each race meeting and accompanied by such reports as prescribed by said department. All such funds received by the Department of Revenue shall be credited to the General Expenditure Fund until an amount equal to the total funds received from such tax during the 1957-1958 fiscal year has been so credited. All funds received above that amount shall be credited to a special fund to be used to provide medical care for indigent persons.

(3) The supervisor of pari-mutuel betting appointed by the Kentucky State Racing Commission shall daily, during each race meeting, report to the Department of Revenue the total amount bet or handled the preceding day and the amount of tax due the state thereon, under the provisions of KRS 138.510 to 138.550.

(4) The supervisor of pari-mutuel betting appointed by the Kentucky State Racing Commission or his duly authorized representatives shall, at all reasonable times, have access to all books, records, issuing or vending machines, adding machines and all other pari-mutuel equipment for the purpose of examining and checking the same and ascertaining whether or not the proper amount or amounts due the state are being or have been paid.

(5) Every person, corporation or association required to pay the tax imposed by KRS 138.510 shall keep its books and records so as to clearly show by a separate record the total amount of money con-

tributed to every pari-mutuel pool, including daily double pools, if any.

This Act shall become effective July 1, 1958.

On roll call on Amendment No. 1, the vote was: Yeas 5—Clore, Cottengim, Henry, Ed Thomas, S. R. Thomas. Nays 72—Anderson, Arnold, Barton, Baumgardner, Billington, Brown, Buchanan, Buckner, Burke, Burress, Chaudoin, Coffey, Combs, E. E. Cook, M. W. Cook, Bill Cornett, P. W. Cornett, Crecelius, P. F. Davis, W. F. Davis, Dempsey, Duff, Farmer, Finney, Ford, Gay, Greene, Hahn, Hale, Hall, Hart, Hislope, Hodges, Hopkins, Howard, Huddleston, H. N. Johnson, Kingsbury, Kubale, Lovelace, Lowman, McCallum, McGuire, McReynolds, Mackey, Newberry, Nunn, Ockerman, Peace, Qualls, Ratcliffe, Rausch, Ray, Raybourne, Render, C. R. Reynolds, R. Reynolds, Richards, Searcy, Smith, Steiger, Stith, Tanner, Walsh, Wathen, Wells, Whitehead, Willen, Williams, Wilson, Wirsch, Young.

Amendment rejected.

HB 12 read for the third time.

On roll call, the vote was: Yeas 80—Anderson, Arnold, Bach, Bartley, Barton, Baumgardner, Billington, Brown, Buchanan, Buckner, Burke, Burress, Chaudoin, Clore, Coffey, Combs, E. E. Cook M. W. Cook, Bill Cornett, P. W. Cornett, Crecelius, P. F. Davis, W. F. Davis, Dempsey, Duff, Farmer, Finney, Fitzpatrick, Ford, Gay, Greene, Hahn, Hale, Hall, Hart, Hislope, Hodges, Hopkins, Howard, Huddleston, Isler, H. N. Johnson, Kingsbury, Kubale, Lovelace, Lowman, McCallum, McGuire, Mackey, Moore, Newberry, Nunn, Ockerman, Peace, Qualls, Ratcliffe, Rausch, Ray, Raybourne, Rayburn, Render, C. R. Reynolds, R. Reynolds, Richards, Searcy, Smith, Sowards, Steiger, Stith, Tanner, Tinsley, Walsh, Wathen, Wells, Whitehead, Willen, Williams, Wilson, Wirsch, Young. Nays 6—Cottengim, Haley, Henry, Hinkle, Ed Thomas, S. R. Thomas.

HB 12 was passed and the title agreed to.

Representative Lowman moved that the vote by which **HB 12** was passed be reconsidered and said motion laid on the table. Agreed.

Orders of the Day

HB 133, with Committee Amendment, taken from Orders of the Day. Read for the third time by title only and placed on passage.

Amend printed copy of **HB 133** on page 1, section 1, line 8 and 9 by striking immediately after the word "shall" in line 8 the words "possess the qualification of a judge of the county court" and inserting in lieu thereof the words "be a licensed attorney".

Representative Ray moved to amend Committee amendment as follows:

Amend Amendment No. 1 to **HB 133** by: striking all therein which pertains to amending the language in the printed bill on lines 8 and 9 and by inserting immediately after the word "court" the words "and in counties containing a city of the first and second class he shall be a licensed attorney."

Amendment rejected.

Representative Ockerman moved that **HB 133** be laid on the clerk's desk. Agreed.

HB 90 taken from Orders of the Day. Representative Hahn moved that it be read for the third time by title only and placed on passage. Agreed.

Representative Hahn moved to amend **HB 90** as follows:

Amend printed copy of **HB 90** on page 1, section 1, line 6-10 by deleting lines 6, 7, 8, 9 and 10 in entirety.

Adopted.

Representative Hinkle moved that **HB 90** be laid on the Clerk's desk. Motion rejected.

Representative Breckinridge moved that **HB 90** be made a Special Order for 2:00 p.m., February 19. Agreed.

Representative Everett moved that **HB 169** and **HB 168** be passed, but retain their positions in Orders of the Day. Agreed.

The Speaker asked for suspension of rules to allow announcements of referral of bills and introductions of bills and resolutions. House agreed.

Reference of Bills and Resolutions

The Speaker announced the referral of the following bills and resolutions:

Agriculture and Conservation: **HB 338, HB 345.**

Appropriations and Revenues: **HB 340, HB 346, HB 356.**

Claims: **HR 55, HR 56, HR 58.**

Health and Welfare: **HB 342, HB 350, HB 351, HB 352, HB 353.**

Judiciary, Executive and Legislative Affairs: **HB 334, HB 335, HB 336, HB 344, HB 348, HB 349, HB 355.**

Labor and Industry: **HB 343.**

Municipal and County Government: **HB 337, HB 341, HB 347.**

Transportation and Highways: **HR 57.**

Ways and Means: **HB 339, HB 354.**

Introductions

The following Bills and Resolutions were introduced:

HB 357, by Representative Chaudoin, AN ACT changing the classification of the City of LaGrange, in Oldham County.

HB 358, by Representative Chaudoin, AN ACT providing for a detailed statistical program.

HB 359, by Representatives Williams, Burke, Rausch, Farmer, Gullette, Greene, Wathen, Weintraub, Huddleston, Bach, Ray, P. F. Davis, AN ACT to repeal subsection (3) of Section 421.210 of the Kentucky Revised Statutes relating to order of proof in legal actions.

HB 360, by Representatives Williams, Gullette, Wathen, Rausch, Farmer, Weintraub, Huddleston, Bach, Ray, Greene, P. F. Davis, AN ACT to repeal subsection (2) of Section 455.090 of the Kentucky Revised Statutes relating to order of proof in criminal actions.

HB 361, by Representative Hinkle, AN ACT relating to the operation of spray painting equipment.

HB 362, by Representative Young, AN ACT relating to the sale of gasoline at wholesale.

HB 363, by Representative Young, AN ACT relating to state aid for the construction, reconstruction, improvement and maintenance of county roads located within suburbs and making an appropriation therefor.

HB 364, by Representative Rausch, AN ACT relating to procedure in cases of violation of motor vehicle laws.

HB 365, by Representative Rausch, AN ACT relating to appeals from county, justice's and police courts.

HB 366, by Representative Rausch, AN ACT relating to recordation of instruments that may be incorporated by reference in other instruments.

HB 367, by Representative Isler, AN ACT relating to water districts.

HB 368, by Representative Newberry, AN ACT relating to suspension of motor vehicle licenses and registration.

HB 369, by Representatives Mackey, Hinkle, AN ACT relating to game and fish.

HB 370, by Representative Stith, AN ACT relating to livestock and poultry disease control.

HB 371, by Representative Hahn, AN ACT authorizing the appointment of an Assistant Attorney General for the Department of Education.

HB 372, by Representatives Gay, Sowards, Hall, Coffey, P. W. Cornett, Hislope, AN ACT relating to teachers.

HB 373, by Representative Ed Thomas, AN ACT relating to liability insurance for state motor vehicle operators.

HB 374, by Representative Greene, AN ACT relating to establishment and recordation of descent of real property.

HB 375, by Representative Bush, AN ACT relating to veterinarians.

HB 376, by Representative Bach, AN ACT relating to liability insurance.

HB 377, by Representative Everett, AN ACT relating to forest fire protection.

HB 378, by Representatives Qualls, Hodges, AN ACT relating to taxation on race track betting.

HB 379, by Representative Breckinridge, AN ACT relating to school districts.

HB 380, by Representative Williams, AN ACT relating to police and fire departments in cities of the second and third classes.

HB 381, by Representative Gullette, AN ACT relating to compensation for city council members.

HB 382, by Representatives Gay, Hall, Bach, Coffey, Peace, P. W. Cornett, AN ACT relating to board of education members.

HB 383, by Representatives H. Nick Johnson, Buchanan, Howard, Sowards, Reynolds, Buckner, Peace, Hislope, Hodges, Wirsch, Dempsey, Duff, Qualls, Whitehead, Brown, P. W. Cornett, Bartley, Coffey, M. W. Cook, Burress, Willen, Rayburn, W. F. Davis, Render, AN ACT relating to income tax.

HB 384, by Representatives Coffey, Willen, Peace, P. W. Cornett, Dempsey, Gay, AN ACT relating to tobacco warehouses.

HB 385, by Representative Breckinridge, AN ACT proposing an Interstate Compact on Juveniles.

HB 386, by Representative M. W. Cook, AN ACT relating to zoning and planning in cities of the first class and counties containing such cities.

HR 63, by Representative Ray, A JOINT RESOLUTION directing the Legislative Research Commission to formulate a plan for placing its staff under the merit system of personnel management.

Orders of the Day

HB 25 taken from Orders of the Day. Representative Everett moved that it be read for the third time by title only and placed on passage. Agreed.

Representative Everett moved that the House adjourn until 1:00 p.m., February 19. Agreed.

WEDNESDAY, FEBRUARY 19, 1958

THIRTY-FIFTH LEGISLATIVE DAY

The House was called to order by the Speaker, Mr. Weintraub.

Invocation by the Reverend Samuel Elmore Blackard, of the Church of the Ascension (Episcopal), of Frankfort.

The roll was called. All present except Buckner, Fields, Gay, Hart, Huston Johnson, Kincer, Lyon, Miller, Nunn, Russell Reynolds, Whitehead, Williams.

Senate Message

Senate Message announcing passage of **SR 48, SB 141, SB 77, HB 67.**

Motions

Representative Chaudoin moved that absent members be granted leaves of absence. Agreed.

Representative Isler moved that reading of the Journal for February 18 be dispensed with and the same approved. Agreed.

Introductions

Representative Everett moved the adoption of **HR 65.** Adopted.

HR 65, by Representative Everett, A CONCURRENT RESOLUTION relating to adjournment of the General Assembly.

Be it resolved by the House of Representatives of the Commonwealth of Kentucky, the Senate concurring therein:

Section 1. That when the House of Representatives and the Senate adjourn on Wednesday, February 19, 1958, they adjourn to Thursday, February 20, 1958, 10 a.m. and that at 10:30 both the House of Representatives and the Senate recess for the purpose of repairing to the Capitol Theater in Frankfort to view the film entitled "Freedom" to be shown at 11 a.m.

Section 2. The House of Representatives and the Senate will then reconvene at 1 p.m., Thursday, February 20, 1958.

Representative Wirsch moved the adoption of **HR 64.** Adopted.

HR 64, by Representative Wirsch, A RESOLUTION authorizing and directing committees of the House to consider including in pending legislation express provision for bonus payments to veterans of the Spanish American War.

WHEREAS, numerous bills providing for payment of bonus to the men who have served in the different wars of our country have been introduced in this House during this session and referred to committee for study; and

WHEREAS, it appears that none of these bills contain express provisions covering Spanish American War Veterans.

NOW, THEREFORE,

Be it resolved by the House of Representatives of the Commonwealth of Kentucky:

That every committee of this House to which bills relating to veterans bonus payments have been or may be referred give special study and consideration to the desirability and feasibility of expressly providing for equal and impartial treatment of veterans of the Spanish American War.

Representative Fitzpatrick moved the adoption of **HR 66.** Adopted.

HR 66, A RESOLUTION memorializing Congress to oppose the tariff quota on Irish hand woven tweeds.

WHEREAS, Eire receives no Foreign Aid from the United States of America, and asks none; and

WHEREAS, the people of Eire purchase from the United States of America almost five times as much as the citizens of the United States of America purchase from them; and

WHEREAS, the Congress of the United States of America has inaugurated a quota system with respect to imported woolen cloth; and

WHEREAS, the present quota of 14 million pounds was filled on July 24, 1957, and the tariff increased from 24 to 45 percent; and

WHEREAS, the hand weavers of County Donegal, Poblacht Na H'Eireann (Republic of Ireland) were unable to keep pace with foreign machine production, and so maintain their usual percentage of our woolen cloth imports; and

WHEREAS, the economy of County Donegal has been seriously and unnecessarily disturbed and depressed by the increased tariff on woolen cloth; and

WHEREAS, the people of Eire and of Irish lineage have made and continue to make an important contribution to these United States of America.

NOW, THEREFORE,

Be it resolved by the House of Representatives of the Commonwealth of Kentucky:

Section 1. That the House of Representatives of the Commonwealth of Kentucky does hereby memorialize and petition, and does respectfully urge the Congress of the United States to repeal the tariff quota on Irish hand woven tweeds.

Section 2. That the Clerk of the House of Representatives is directed to forward copies of this resolution to the President of the United States, the President of the United States Senate and the Speaker of the United States House of Representatives, to each member of the Kentucky delegation in the Congress of the United States, and to the Chairman and each member of the United States Tariff Commission.

Representative Cottengim moved the adoption of **HR 67.** Adopted.

HR 67, by Representatives Cottengim and T. F. Combs, A RESOLUTION tendering to the honorable Huston (Jack) Johnson the sympathy of the members of the House of Representatives.

WHEREAS, the honorable Huston (Jack) Johnson of Clinton, Kentucky, a member of this honorable body representing District 1, has been prevented by illness from attending the deliberations of the House of Representatives;

WHEREAS, the said Huston Johnson has by exemplary personal conduct earned the respect, admiration and friendship of each and every member of the House by whom he is known;

WHEREAS, the absence of the said Huston Johnson from the Chamber of the House of Representatives has been noted with regret;

NOW, THEREFORE,

Be it enacted by the House of Representatives of the Commonwealth of Kentucky:

Section 1. That the House of Representatives of the Commonwealth of Kentucky does hereby express its sympathy to the honorable Huston (Jack) Johnson and extend its best wishes for his speedy and complete recovery from his illness.

Section 2. That the Clerk of the House of Representatives cause a copy of this resolution to be sent to the said Huston Johnson.

Representative Breckinridge moved to amend House Rule No. 40 on Page 20, as follows:

By striking the first sentence and substituting in lieu thereof the following language:

"A majority of a committee shall constitute a quorum, and a majority of those present may report a bill; provided that a majority of a committee's membership is required to report a bill out with the expression of opinion that same should not pass, or without an expression of opinion."

Representative Breckinridge moved for adoption of amendment to House Rule No. 40.

On roll call, the vote was: Yeas, 13—Arnold, Barton, Breckinridge, Burke, Bill Cornett, P. F. Davis, Ford, Hall, Mackey, Moore, Ockerman, Raybourne, Searcy: Nays, 62—Anderson, Bach, Bartley, Baumgardner, Billington, Brown, Buchanan, Buckner, Burress, Bush, Chaudoin, Clore, Combs, E. E. Cook, M. W. Cook, Cottengim, Crecelius, W. F. Davis, Dempsey, Duff, Everett, Farmer, Finney, Fitzpatrick, Gay, Gullette, Hale, Haley, Henry, Hinkle, Hodges, Hopkins, Howard, Huddleston, Isler, H. N. Johnson, Lovelace, McGuire, McReynolds, Newberry, Nunn, Parrish, Peace, Qualls, Ratcliffe, Rausch, Rayburn, Reed, Render, C. R. Reynolds, Richards, Sowards, Steiger, Stith, Tinsley, Ed Thomas, S. R. Thomas, Wathen, Willen, Wilson, Wirsch, Young.

Amendment rejected.

Motions

Representative Dempsey moved that **HB 294** be taken from Committee on Appropriations and Revenues and given its first reading.

The Speaker instructed Representative Dempsey to reduce his motion to writing.

Recess

Representative Cottengim moved that the House recess for fifteen minutes to permit a meeting of the Committee on Labor and Industry. Agreed. At the appointed hour, the Speaker resumed the Chair and called the House to order.

Motions

Representative Duff moved the adoption of **SR 35.** Adopted.

SR 35, A CONCURRENT RESOLUTION requesting and urging the Board of Trustees of the University of Kentucky to establish a College of Mines and Minerals.

WHEREAS, the production of various mineral commodities, including coal, petroleum, natural gas, fluorspar and native asphalt, cement and stone, is of great importance to the economy of the Commonwealth of Kentucky; and

WHEREAS, the technology and the competitive position of Kentucky's mineral industry would be substantially improved by a concerted program of education and research;

NOW, THEREFORE,

Be it resolved by the Senate of the Commonwealth, the House of Representatives concurring:

Section 1. That the Board of Trustees of the University of Kentucky be and is hereby requested to establish, as a part of the University, a College of Mines and Minerals.

Section 2. That the Clerk of the Senate be and is hereby directed to forward copies of this resolution, duly authenticated to the President of the University of Kentucky, and to each member now serving on the Board of Trustees of the University of Kentucky.

SR 39 adopted by voice vote.

SR 39, THE CONCURRENT RESOLUTION OF THE SENATE OF THE GENERAL ASSEMBLY OF KENTUCKY AND THE HOUSE OF REPRESENTATIVES TO STUDY THE POSSIBILITY OF AMENDING THE TAX LAWS OF THE STATE OF KENTUCKY.

A Concurrent Resolution of the Senate and the House of Representatives of the General Assembly of Kentucky requesting that the Legislative Research Commission undertake and study the entire tax structure of the Commonwealth of Kentucky with the idea of amending same.

WHEREAS it is generally conceded that many of our tax laws have been on the statute books for many years and that where it is possible that business and industry are not locating within Kentucky as it might.

NOW THEREFORE, BE IT RESOLVED by the Senate of the Commonwealth of Kentucky and the House of Representatives concurring therein, that the Legislative Research Commission undertake the task of studying the entire tax structure of the Commonwealth of Kentucky with the idea towards streamlining and amending the tax laws and bringing them up to date.

BE IT FURTHER RESOLVED that the Legislative Research Commission publish and report its findings prior to the next meeting of the General Assembly of Kentucky in the year 1960.

Representative Dempsey withdrew his motion that **HB 294** be taken from Committee on Appropriations and Revenues and given first reading. Agreed.

Special Order

At the hour of 2:00 p.m., in accordance with a Special Order of the House, **HB 90** was taken from Orders of the Day. Representative Hahn moved that it be read for the third time by title only and placed on passage. Agreed.

HB 90, with Committee amendment, which was adopted on February 18, read for the third time.

On roll call, the vote was: Yeas, 86—Anderson, Arnold, Bach, Bartley, Barton, Baumgardner, Billington, Breckinridge, Buchanan, Buckner, Burke, Burress, Bush, Casey, Chaudoin, Clore, Coffey, Combs,

E. E. Cook, M. W Cook, Bill Cornett, P. W. Cornett, Cottengim, Crecelius, P. F. Davis, W. F. Davis, Dempsey, Everett, Farmer, Finney, Fitzpatrick, Ford, Greene, Gullette, Hahn, Hale, Haley, Hall, Hart, Henry, Hinkle, Hislope, Hodges, Hopkins, Howard, Huddleston, Isler, H. N. Johnson, Kincer, Kingsbury, Kubale, Lovelace, Lowman, McCallum, McGuire, McReynolds, Mackey, Moore, Newberry, Ockerman, Parrish, Peace, Ratcliffe, Rausch, Ray, Raybourne, Rayburn, Reed, Render, C. R. Reynolds, Richards, Searcy, Smith, Steiger, Stith, Tanner, Tinsley, Ed Thomas, S. R. Thomas, Walsh, Wathen, Wells, Willen, Wilson, Wirsch, Young; Nays, 0.

HB 90 as amended was passed and the title agreed to.

Introductions

Representative Buchanan moved the adoption of **HR 68.** Adopted.

HR 68, by Representatives Buchanan, Duff, Howard, H. Nick Johnson, Brown, P. W. Cornett, Burress, Coffey, Peace, Hislope, Sowards, Buckner, Qualls, C. R. Reynolds, Dempsey, Render, A CONCURRENT RESOLUTION directing the Public Service Commission to take certain steps to relieve the shortage of gas in the Middlesboro area.

WHEREAS, there exists a critical shortage of natural gas in the city of Middlesboro, Kentucky, endangering the lives and well-being of hundreds of citizens;

WHEREAS, there is available an adequate supply of such natural gas at the Piper Drilling Company at Woodbine, Kentucky;

WHEREAS, this supply of natural gas can be supplied to Middlesboro and intermediate cities of Corbin, Barbourville, Pineville, London and Manchester; and

WHEREAS, adequate pipe line facilities exist by which the gas of the Piper Drilling Company can be piped into the lines serving said cities;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Public Service Commission be and is authorized and directed to *immediately* use its facilities and authority to cause to be connected the lines of the Piper Drilling Company to the lines serving the cities in the Barbourville, Corbin, London, Manchester, Middlesboro and Pineville area and for this purpose to direct the use of any and all existing pipe lines and facilities regardless of to whom they belong.

Section 2. That the action directed in Section 1 be taken in such a manner as to immediately relieve the suffering caused by the gas shortage in said areas; and to maintain said additional gas supply until the end of the present emergency.

The Speaker, with approval of the House, suspended the rules to permit announcement of bill referrals.

Reference of Bills

The Speaker announced the referral of the following bills and resolutions:

Agriculture and Conservation: **HB 369, HB 370, HB 375, HB 377.**

Appropriations and Revenues: **HB 358, HB 363, HB 378, HB 383, HR 61.**

Banking and Insurance: **SB 50, SB 60, SB 67.**

Claims: **SR 8, SR 20.**

Education: **HB 371, HB 379, HB 382.**

Health and Welfare: **HB 385, SB 49, SB 81, SB 92, SB 94.**

Judiciary, Executive and Legislative Affairs: **HB 359, HB 360, HB 365, HB 366, HB 374, SB 75, SB 118, SB 133.**

Labor and Industry: **HB 361, HB 372.**

Military and Civil Defense: **SB 17.**

Municipal and County Government: **HB 357, HB 367, HB 376, HB 380, HB 381, HB 386, SB 43, SB 46, SB 106.**

Transportation and Highways: **SB 28.**

Ways and Means: **HB 362, HB 364, HB 368, HB 373, HB 384, HR 63, SB 13.**

Report of Committees

The Committee on Banking and Insurance reported **HB 96, HB 102, HB 103, HB 104, HB 105, HB 109,** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 96, AN ACT relating to insurance and amending KRS 304.542.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 304.542 of the Kentucky Revised Statutes is amended to read as follows:

(1) Each licensed non-resident agent shall appoint the commissioner as his attorney to receive service of legal process issued against the agent in this state upon causes of action arising within this state out of transactions under his license. Service upon the commissioner as attorney shall constitute effective legal service upon the agent.

(2) The appointment shall be irrevocable for as long as there could be any cause of action against the agent arising out of his insurance transactions in this state.

(3) Duplicate copies of such legal process against such agent shall be served upon the commissioner by any person competent to serve a summons.

The person serving the process upon the commissioner shall pay him at the time of service a fee as provided for under KRS 304.460, which shall be taxed as costs in the action. In the absence of the commissioner, process may be served on his deputy or any other authorized individual then in charge of the Department.

The commissioner shall forthwith send one of the copies of the process by certified mail to the defendant agent at his last known address of record with the commissioner, and shall return the other copy to the plaintiff with his acknowledgment of service.

(4) The commissioner shall keep a record of the day and hour of service upon him of all such legal process.

HB 102, AN ACT relating to insurance and amending KRS 304.566.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 304.566 of the Kentucky Revised Statutes is amended to read as follows:

(1) Each applicant for a license to act as a life insurance agent within this state shall file with the commissioner his written application on forms furnished by the commissioner. The application shall be signed and duly sworn to by the applicant. The commissioner may require the application to be in the handwriting of the applicant. The prescribed form shall require the applicant to state his full name, residence; age; occupation and place of business for five years preceding date of the application; whether applicant has ever held a license to solicit life, or any other insurance in any state; whether he has been refused, or has had suspended or revoked a license to solicit life, or any other insurance in any state, what insurance experience, if any, he has had; what instruction in life insurance and in the insurance laws of this state he has had or expects to have; whether any insurer or general agent claims applicant is indebted under an agency contract or otherwise, and if so, the name of the claimant, the nature of the claim and the applicant's defense thereto; whether applicant has had an agency contract canceled and, if so, when, by what insurer or general agent and the reasons therefor; whether applicant will devote all or part of his efforts to acting as a life insurance agent, and, if part only, how much time he will devote to such work, and in what other business or businesses he is engaged or employed; whether, if applicant is a married woman, her husband has ever applied for or held a license to solicit life, or any other insurance in any state and whether such license has been refused, suspended or revoked; and such other information as the commissioner in his discretion may require.

(2) The application shall be accompanied by a certificate on forms furnished by the commissioner and signed by an officer or properly authorized representative of the insurer stating that the insurer has investigated the character and background of the applicant and is satisfied that he is trustworthy and qualified to act as its agent and to hold himself out in good faith to the general public as a life insurance agent and that the insurer desires that the applicant be licensed as a life insurance agent to represent it in this state.

(3) The application, when filed, shall be accompanied, in the case of applicants required to take an examination as hereafter prescribed, by an examination fee as set out in KRS 304.460. In the event an applicant fails to qualify for, or is refused a license, the annual license fee shall be returned to him except agents appointed under 304.557(d), who have actually serviced an industrial debit. The examination fee shall not be returned for any reason.

HB 103, AN ACT relating to alien and government owned insurers.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

No certificate of authority or license to transact any kind of insurance business in this state shall be issued, renewed or continued in effect to any domestic, foreign, or alien insurance company or other insurance entity which is owned, or financially controlled in whole or in part by any state of the United States, or by a foreign government or by any political subdivision of either, or which is an agency of such state, government or political subdivision, unless such company or entity was so owned, controlled or constituted prior to January 1, 1957, and was authorized to do business in this state on or prior to January 1, 1957.

HB 104, AN ACT relating to insurance and amending KRS 304.460.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 304.460 of the Kentucky Revised Statutes is amended to read as follows:

The commissioner shall collect in advance, and persons so served shall pay in advance to the commissioner, fees, licenses, and miscellaneous charges as follows:

(1) Annual statement of insurer:

(a) Filing, each year	$25.00
(b) Filing additional or supplemental statement in same year	$25.00

(2) For filing charter documents:	
(a) Original charter documents, by-laws and records of organization of insurer, or certified copies thereof, required to be filed	$30.00
(b) Amended charter documents, or certified copy thereof, no additional charge	
(3) Certificate of Authority:	
(a) Issuance of original certificate	$25.00
(b) Renewal, each year	$ 1.00
(4) Organization of domestic insurers:	
(a) Filing application for solicitation permit and issuance of such permit, mutual insurers	$10.00
(5) Agent's licenses, foreign and alien insurers:	
(a) License for life, insurer, whether or not disability insurance is included, each year	$ 5.00
(b) License for industrial life insurer only, each year	$ 2.00
(c) License for other insurance, each insurer represented, each year	$ 3.00
(d) Limited license as travel insurance agent, each year	$ 2.00
(e) Temporary license as property and casualty agent, each year	$ 3.00
(f) Temporary license as life and disability agent, each year	$ 5.00
(g) Non-resident agent	$25.00
(6) Broker's license:	
(a) Surplus line broker, each year	$25.00
(7) Solicitor's license, each year	$15.00
(8) Adjuster's license:	
(a) Independent adjuster, each year	$25.00
(b) Public adjuster, each year	$25.00
(c) Apprentice adjusters registration fee, each year	$10.00
(9) Examination, for or in connection with licensing of agents, solicitors, and adjusters:	
(a) Each examination, first line	$10.00
(b) Each additional line	$ 5.00
(c) Re-examination of each line	$ 5.00
10) Miscellaneous Services:	
(a) Filing other documents, each	$ 1.00
(b) Commissioner's certificate under seal, other than certificates, licenses, and other documents above provided for, each	$ 1.00

(c) For copies of any document on file with the commissioner, per page	$ .50
(d) Service of process on commissioner	$ 2.00
(e) Copy of agents study manual	$ 2.00
(f) Copy of Kentucky Insurance Laws	$ 2.50

HB 105, AN ACT relating to insurance and amending Section 304.648 of the Kentucky Revised Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 304.648 of the Kentucky Revised Statutes is amended to read as follows:

The applicable provisions of KRS 304.648 to 304.702 shall apply to insurance other than ocean marine and foreign trade insurances. KRS 304.648 to 304.702 shall not apply as to insurance contracts not issued for delivery in this state, nor shall those sections apply as to insurance contracts not delivered in this state, unless such insurance contracts cover property situated in this state.

HB 109, AN ACT relating to Group Life Insurance.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 304.866 of the Kentucky Revised Statutes is amended to read as follows:

The lives of a group of individuals may be insured under a policy issued to a credit union organized pursuant to the laws of the State of Kentucky or the Federal Credit Union Act, which shall be deemed the policyholder, to insure eligible members for amounts of insurance, not in excess of the share balance (or $2000.00, whichever is less) as to each member, based on some plan which will preclude individual selection, for the benefit of the share account of the member, subject to the following requirements:

(1) The members eligible for insurance under the policy shall be all the members of the credit union who meet standard physical requirements conditions of the insurer, or all of any class or classes thereof determined by conditions pertaining to their age, or to membership in the credit union or both.

(2) The premium for the policy shall be paid by the policyholder, either wholly from the credit union's funds, or partly from such funds and partly from funds contributed by the insured members specifically for their insurance. No policy may be issued on which the entire premium is to be derived from funds contributed by the insured members specifically for their insurance. A policy on which part of the premium is to be derived from funds contributed by the insured members specifically for their insurance may be placed

in force only if at least seventy-five per cent (75%) of the then eligible members, excluding any as to whom evidence of individual insurability is not satisfactory to the insurer, elect to make the required contribution. A policy on which no part of the premium is to be derived from funds contributed by the insured members specifically for their insurance, must insure all eligible members or all except any as to whom evidence of individual insurability is not satisfactory to the insurer.

(3) The policy must cover at least 25 members at date of issue.

(4) Provisions set forth in KRS 304.854 and 304.855 shall not apply to policies issued to a credit union pursuant to this section.

The Committee on Banking and Insurance reported **HB 104** with the expression of opinion that the same should pass with Committee amendment. Read at length for the first time and ordered placed in the Calendar.

The Committee on Municipal and County Government reported **HB 187, HB 250, HB 147, SB 19, HB 64, HB 279, HB 7, HB 71, HB 142, HB 280, HB 287, HB 278, HB 288, HB 298, HB 303, HB 337, HB 320, HB 341** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 187, AN ACT changing the classification of the City of Florence, in Boone County, Kentucky.

WHEREAS, satisfactory information has been presented to the General Assembly that the growth of the City of Florence, in Boone County, Kentucky, is such as to justify its being assigned to the third-class of cities;

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the City of Florence, in Boone County, Kentucky, is hereby transferred from the sixth to the third-class of cities.

HB 250, AN ACT changing the classification of the City of Glasgow, in Barren County.

WHEREAS, satisfactory information has been presented to the General Assembly that the population of the City of Glasgow, in Barren County, is such as to justify its being assigned to the third-class of cities,

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the City of Glasgow, in Barren County, is hereby transferred from the fifth to the third class of cities.

HB 147, AN ACT providing for the sale of real property by cities and counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Any City or County may sell and convey any real estate owned by it upon a determination by the legislative body of such governmental unit that said real estate is no longer needed to carry on the governmental functions of the City or County or that other property is more suitable for the governmental purpose to which the property to be sold and conveyed has been dedicated. The City or County may make such disposition of its property regardless of a previous dedication of said property whether the dedication was created by virtue of use, deed, ordinance or by any other manner. This section shall not apply to any public street, sidewalk, right-of-way or other easement.

Section 2. Whereas certain cities and counties desire to dispose of outmoded city property and acquire new modern property and have outstanding obligations and contracts to accomplish this purpose, which expire before this Act would otherwise take effect, an emergency is declared to exist, and this Act shall take effect upon its passage and approval by the Governor.

SB 19, AN ACT relating to police departments in second class cities, amending KRS 95.495.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 95.495 of the Kentucky Revised Statutes is amended to read as follows:

(1) In all cities of the second class, except those in which, by ordinance, the patrolmen are employed or paid by the day, the members of the police department shall not be required to work more than eight hours per day, for five days each week, except in the event of an emergency. Each member of the police department shall have an annual leave of fifteen working days with full pay.

(2) The salary of the members of the police department shall not be reduced by reason of the enactment of this section.

Section 2. Whereas, the members of the police departments of cities of the second class are required to work an unreasonable number of days each week, an emergency is declared to exist, and this Act shall become effective upon approval by the Governor.

HB 64, AN ACT relating to fire departments in cities of the second class.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 95.500 of the Kentucky Revised Statutes is amended to read as follows:

(1) The chief of the fire department in cities of the second class shall be present at all fires and investigate their cause. He may examine witnesses, compel the production of testimony, administer oaths, make arrests, and enter any building for the purpose of examination that, in his opinion, is in danger from fires. He shall report his proceedings to the city legislative body when required.

(2) The chief shall direct and control the operations of the members of the fire department in the discharge of their duties. He shall have access to and use of all cisterns, fireplugs, the waters of the waterworks and the cisterns of private persons, for the purpose of extinguishing fires. He shall have the right to examine all cisterns, and all plugs and pipes of the waterworks, to see that they are in condition for use in case of fire. He shall have control of all buildings, hose, engines and other equipment provided for the fire department. He shall perform such other duties as the city legislative body shall, by ordinance, prescribe.

(3) The fire department of each second-class city shall be divided into three platoons. Each platoon shall be on duty for twenty-four consecutive hours, after which the platoon serving twenty-four hours shall be allowed to remain off duty for forty-eight consecutive hours, except in cases of extraordinary emergency. The chief of the fire department shall arrange the schedule of working hours to comply with the provisions of this section. The pay or rank of the members and officers of the fire department, shall not, by reason of the foregoing, be reduced.

(4) In each city of the second class all employes of the fire department shall be given not less than two weeks leave of absence annually, with full pay.

Section 2. This act shall become effective July 1, 1958.

HB 279, AN ACT relating to housing projects.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 80.540 of the Kentucky Revised Statutes is amended to read as follows:

A commission shall have the right to acquire by condemnation any real property which it may deem necessary for its purposes under KRS 80.310 to 80.610 after the adoption by it of a resolution declaring that the acquisition of the real property described therein is necessary for such purposes. Proceedings for such condemnation shall be in the circuit court of the county in which the property lies, and shall be conducted in the name of the commission by the attorney designated by the commission, and the judgment of the court shall vest title in fee simple to the property condemned in the commission. In all other respects, the form and manner of the proceedings shall be the same as that provided for the condemnation of land for road purposes by fiscal courts.

HB 7, AN ACT relating to highway improvement.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The Department of Highways may as a part of its over-all maintenance program cause improvements to be made by employees of the department to entrances to churches and cemeteries located in unincorporated areas when in the discretion of the commissioner the general health, safety and welfare of the citizens of the Commonwealth will be thereby promoted.

HB 71, AN ACT relating to zoning and planning in second-class cities and in counties containing such cities.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 100.010 of the Kentucky Revised Statutes is amended to read as follows:

As used in KRS 100.320 to 100.990, unless the context requires otherwise:

(1) "Mayor" means the chief elected official of the city whether the official designation of his office is mayor, chairman of the board of trustees or otherwise;

(2) "Legislative body" means the chief legislative body of the city, whether it is a board of aldermen, general council, board of commissioners, or otherwise;

(3) "Streets" includes streets, avenues, boulevards, roads, lanes, alleys, viaducts and other ways;

(4) "Subdivision" means the division of a tract of land into two or more divisions for the purpose, whether immediate or future, of sale or of building development and includes resubdivision;

(5) "County commissioners" means chief administrative or legislative body of the county;

(6) "Planning area" means the city and adjoining territory which by reason of existing or future development bears relation to the proper growth and development of the city.

(7) "Commission" means planning commission.

(8) "County area" means the unincorporated area of the county in which the second class city is located.

Section 2. Section 100.320 of the Kentucky Revised Statutes is amended to read as follows:

Cities of the second class and counties containing such cities shall establish a planning commission for the city and county area.

Section 3. Section 100.330 of the Kentucky Revised Statutes is amended to read as follows:

(1) Each commission shall consist of five "city members" and three "county members." Appointive members of the commission may be paid such compensation as may be prescribed jointly by ordinance of the city and resolution of the county legislative body or bodies but compensation per member shall not exceed ten dollars for each meeting attended, nor shall any compensation be paid for meetings in excess of twenty-five during any fiscal year.

(2) The city members shall be chosen in the following manner: The city manager and the city engineer shall be ex officio members of the commission. If there is no city manager, the mayor shall be an ex officio member. If there is no city engineer, the mayor shall appoint some other city administrative official to serve as an ex officio member. The mayor shall appoint the remaining three city members who shall be residents of the city and shall hold no other city or county office. All appointments by the mayor shall be subject to approval by the city legislative body.

(3) The county members shall be chosen in the following manner: The county judge shall designate one county appointive administrative official to serve as an ex officio member of the commission. The remaining two county members shall be chosen by the county judge and shall be residents of the county outside the limits of the city holding no other city or county office. All appointments by the county judge shall be subject to approval by the fiscal court.

(4) The citizen members initially appointed by the mayor shall hold office according to designation in their appointment, one of them for two years, and the others for terms of four years each, and upon the expiration of their respective terms, the successor of each shall hold his office for a term of four years. Vacancies in the offices of members appointed by the mayor shall be filled by successors appointed by the mayor for the unexpired term.

(5) The county citizen members initially chosen by the county judge shall hold office for terms of three and four years respectively. Upon expiration of their respective terms, the successor of each shall hold his office for a term of four years. Vacancies in the office of the appointive county member shall be filled by a successor appointed by the fiscal court for the remainder of the term of office in which the vacancy has occurred.

(6) Where any ex officio member in the employment of the city or county vacates his official position he shall ipso facto vacate his office as a member of the commission. The terms of the ex officio

members shall correspond to their respective official tenures, except that the terms of the city and county appointive administrative officials shall terminate respectively, with the terms of the mayor and county judge selecting them. Any incumbent otherwise qualified under this section shall hold office until his successor is chosen and qualified; provided, however, that appointed members may be removed by the appointing authority on written charges after a public hearing.

Section 4. Section 100.350 of the Kentucky Revised Statutes is amended to read as follows:

(1) The commission may make and adopt a master plan of the whole or any portion of the city and county area and it may make changes in the master plan when it deems it advisable.

(2) In the master plan the commission may provide among other things for changed regulations of all facilities for traffic, transportation or communication and for new or changed harbors, streets, street fixtures, bridges, subways, parks, playgrounds, or any other public grounds or public structures or public improvements or appurtenances, and for the general location and extent of public utilities and terminals whether publicly or privately owned or operated, for water, light, sanitation, transportation, communication, power, or other purposes, and for the removal, relocation, widening, narrowing, abandonment, or extension of any public ways or works or structures with a view to the systematic planning of the city and its environs.

(3) The commission may make and adopt plans for the control, development and preservation of historical landmarks, for the design and location of statuary and other works of art which are or may become the property of the city or the county and may make recommendations to any public authorities or to any persons in the city and county area concerning the location of any building, structures or works to be constructed by them.

(4) The commission may lay off and establish in the city and county area zones or districts of such number, shape and area as the commission believes are best to carry out the purposes of KRS 100.320 to 100.490, and from time to time change zones or districts as to area or boundary or location. The zones or districts shall be designated by maps or plans as well as by boundaries, and the boundaries may be expressed in general descriptive terms. The commission may make and adopt maps or plans showing the zones or districts, or changes, with appropriate designations, and may prescribe and enforce regulations and restrictions on the construction, alteration, repair or use of buildings, structures or land, including the regulation and restriction of the height, number of stories and size of buildings and other structures, the percentage of lots that may be occupied, and size of yards, courts and other open spaces, the density of population and the location and use of buildings, structures and land for trade, industry, residence or other purposes.

(5) All regulations and restrictions shall be uniform for each class or kind of buildings throughout each zone or district, but the regulations or restrictions in one zone or district may differ from those in other zones or districts.

(6) The commission may enter upon lands and make examinations and surveys for the purpose of exercising its powers.

(7) The commission may make, print and publish and distribute generally copies of any plan, map, report or recommendation made by it.

Section 5. A new section of the Kentucky Revised Statutes is created to read as follows:

In the preparation of the master plan the commission shall make a comprehensive study of present conditions and future growth of the city with due regard to its relation to neighboring territory. The plan shall be made with the general purpose of accomplishing a coordinated and harmonious development of the city and its environs in accordance with present and future needs. The plan shall make adequate provision for traffic, the promotion of safety from fire and other dangers, adequate provisions for light and air, the promotion of the healthful and convenient distribution of population, the promotion of good civic design and arrangement, wise and efficient expenditure of public funds, and the adequate provision of public utilities and other public requirements.

Section 6. A new section of the Kentucky Revised Statutes is created to read as follows:

The commission may adopt the plan as a whole by a single resolution or may adopt successive parts of the plan, corresponding with major geographical divisions or with functional subdivisions of the subject matter of the plan, and may adopt any amendment to the plan. Before the adoption of the plan or any part or amendment, the commission shall hold at least one public hearing on the plan, and give notice of the time and place by one publication in a newspaper of general circulation in the city. The adoption of the plan or any part or amendment shall be by resolution of the commission carried by the affirmative votes of not less than five members of the commission. The resolution shall refer expressly to the maps and other matters intended by the commission to form the plan, and the action taken shall be recorded on the map and descriptive matter by the signature of the chairman or secretary of the commission. An attested copy of the plan or part adopted shall be certified to the legislative body and to the county clerk for record.

Section 7. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) Whenever the commission has adopted the master plan, or any part of the master plan or amendment thereto, of the city and

county area or of one or more major districts thereof, no street, square, park, or other public ground, or open space or public building or structure, or public utility, whether publicly or privately owned, shall be constructed or authorized in the city and county area or planned district which does not conform to the recommendations of the plan until the location, character and extent thereof has been approved by the commission.

(2) In case of disapproval the commission shall communicate its reasons to the legislative body, which may overrule the disapproval by the recorded vote of not less than a majority of its entire membership. If the public way, ground, space, building, structure or utility is one the authorization or financing of which is not within the jurisdiction of the legislative body, then the submission to the planning commission shall be by the body having jurisdiction and the commission's disapproval may be overruled by such body by a vote of not less than two-thirds of its membership. If the commission fails to act on a proposal within sixty days after submission, approval shall be conclusively presumed.

Section 8. Section 100.360 of the Kentucky Revised Statutes is amended to read as follows:

(1) All plats of the subdivision of lands within the planning area, and all instruments of dedication of land for public use, shall be submitted to the commission and approved by it in writing before they are offered for record or accepted by the legislative body. The approval of the commission shall not be deemed the legislative body's acceptance of the dedication of any street or other public ground shown on the plat or set forth in the instrument.

(2) No street or other public ground shown on a subdivision plat of land within the planning area shall be accepted by the city or county unless the plat and location have been approved by the commission. The legislative body may submit to the commission an ordinance proposing to accept the dedication of any unapproved street or ground, and, if approved by the commission, the city or county may accept the dedication by a majority vote of its legislative body, or, if disapproved by the commission, the dedication may be accepted by a vote of not less than two-thirds of the legislative body.

(3) All plans, maps, regulations, and restrictions adopted by the commission shall be made in accordance with a comprehensive design to promote the public health, safety, morals or general welfare, by lessening congestion in the streets or by securing safety from fire, panic or other dangers, or by providing adequate light and air, or by preventing overcrowding of land, or by avoiding the undue concentration of population, or by facilitating the adequate provision of transportation, water, sewerage, schools, parks, playgrounds or other public requirements. All regulations and restrictions shall be made with reasonable

consideration of the character of each zone or district affected, and its peculiar suitability for particular uses.

Section 9. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) No person or his agent shall subdivide any land, before securing the approval of the planning commission, in the manner prescribed in KRS 100.360, of a plat designating the areas to be sold, and no plat of a subdivision of land within the planning area shall be recorded by the county clerk until the plat has been approved by the commission and the approval entered thereon in writing by the chairman or secretary of the commission.

(2) No subdivider owning land composing a subdivision, or his agent, shall transfer or sell or agree to sell any lot or parcel of land located within such subdivision by reference to, or by exhibition, or by any other use of a plat of said subdivision, before such plat has been approved as provided in KRS 100.360. Any such instrument of transfer, sale or contract shall be void and shall not be subject to be recorded, but all rights of such purchaser to damages are hereby preserved.

(3) The description of such lot or parcel by metes and bounds in any contract or instrument of transfer or other document used in the process of selling or transferring same shall not exempt the person attempting to transfer from the penalties provided for in subsection (1) of KRS 100.990, or deprive the purchaser of any rights or remedies he may otherwise have.

Section 10. A new section of the Kentucky Revised Statutes is created to read as follows:

The commission has the same authority to reserve land for future acquisition for public streets and recreation areas as is given to the planning commissions of third, fourth, fifth and sixth class cities by KRS 100.790 to 100.830 for streets and the same procedure for reservation, acquisition and payment provided by those sections is applicable.

Section 11. Section 100.370 of the Kentucky Revised Statutes is amended to read as follows:

The commission may employ and discharge city and regional planners, landscape and other architects, engineers, draftsmen, clerks and other subordinates and obtain other professional services necessary for the performance of its functions.

Section 12. Section 100.420 of the Kentucky Revised Statutes is amended to read as follows:

Any regulations, restrictions or boundaries established by the commission may from time to time be amended or repealed. No change shall be made unless the change is approved by a majority vote of the entire membership of the commission and the ordinance or resolutions adopting the change is approved by a vote of not less than a majority of the entire membership of the legislative body.

Section 13. Section 100.450 of the Kentucky Revised Statutes is amended to read as follows:

Applications to the board of adjustment for special exception or relief by way of variance may be made by any property owner or tenant aggrieved, and appeals to said board may be taken by any property owner or tenant, or any city officer, department, board or bureau affected by any ruling of any administrative officer in the enforcement of KRS 100.320 to 100.490 or any ordinance or resolution enacted pursuant thereto.

Section 14. Section 100.460 of the Kentucky Revised Statutes is amended to read as follows:

(1) The board of adjustment shall fix a reasonable time for the hearing of any application for special exception or variance, or for the hearing of an appeal. It shall give public notice thereof by three insertions in some daily newspaper of general circulation in the city of the second class, the first of which insertions shall be published ten days prior to the day fixed for the hearing. Upon the hearing, any party may appear in person or by agent or by attorney, and the board shall decide the application or appeal within a reasonable time.

(2) An appeal from a ruling of an administrative officer shall be taken within the time provided by the rules of the board, by filing with the officer from whom the appeal is taken, and with the board of adjustment a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the board all papers constituting the record upon which the action appealed from was taken.

(3) An appeal stays all proceedings in furtherance of the action appealed from, unless, on one day's notice given to the party appealing, the officer from whom the appeal is taken certifies to the board of adjustment that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings may be stayed only by order of the board on application to it, and due cause shown, after notice to the officer from whom the appeal is taken, or by judicial proceedings.

Section 15. Section 100.470 of the Kentucky Revised Statutes is amended to read as follows:

(1) The board of adjustment may:

(a) Adopt rules and regulations for its own government, not inconsistent with any law, city ordinance, or order or resolution of the fiscal court, with reference to the plans under consideration by the board;

(b) Hear and decide appeals and applications for special exceptions;

(c) Authorize, upon application for variance, such variances from the terms of the ordinance or of any plans, rules, or regulations made thereunder, as will not be contrary to the public interest, where a literal enforcement of the provisions of the ordinance, plans, rules or regulations would result in unnecessary hardship, and so that the spirit of the ordinance shall be observed and substantial justice done.

(2) In exercising its powers, the board may reverse, affirm or modify an order or decision of an administrative official.

Section 16. Section 100.980 of the Kentucky Revised Statutes is amended to read as follows:

(1) In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered, maintained or used, or any land is or is proposed to be used, in violation of any provision of KRS 100.031 to 100.097, the county attorney of such county or the city attorney of such city, as the case may be, or any property owner or occupant who would be damaged by such violation, may, in addition to other remedies provided by law, institute injunction, mandamus, abatement or other appropriate action to prevent, enjoin, abate or remove such unlawful erection, construction, reconstruction, alteration, maintenance or use.

(2) The county or city, or any municipality in the county, or any taxpayer of the county, affected thereby, as the case may be, may file a petition in the circuit court of such county to enjoin a transfer, sale or agreement in violation of subsection (1) of KRS 100.093, and jurisdiction is hereby given to such circuit court to hear and determine all questions and issues properly brought before it in such proceeding.

(3) The proper city authorities may bring actions to prevent the use of land or the use, construction, alteration or repair of buildings or structures in violation of KRS 100.500 to 100.600, or of any ordinance or regulation made thereunder.

(4) A city may, by action in the circuit court, enjoin a transfer, or agreement to transfer land, prohibited by subsection (2) of KRS 100.730, or may recover the penalty allowed by subsection (6) of KRS 100.990 by civil action.

(5) A city or the fiscal court of the county in which the city is located, or the planning commission may bring an action in the circuit court to prevent, correct or abate the unlawful erection, construction, alteration, repair, maintenance, sale or use of any building, structure or land, or to prevent any act on or about such premises, in violation of KRS 100.320 to 100.490 or any ordinance or regulation made thereunder.

Section 17. Section 100.990 of the Kentucky Revised Statutes is amended to read as follows:

(1) Except as otherwise specifically provided in KRS 100.031 to 100.097, or in KRS 100.980 or in this section, any person, firm, or corporation violating any provisions of KRS 100.020 to 100.970 or of any ordinance, resolution or order, or adjustment or amendment thereto, passed, adopted or approved under authority of KRS 100.020 to 100.970, or any lawful order of the commission or the board of the zoning enforcement officer, shall be guilty of a misdemeanor and upon conviction thereof, shall be fined not less than ten dollars nor more than one hundred dollars, or imprisoned for not more than twenty days, or both so fined and imprisoned. Each and every day during which such violation continues shall be deemed a separate offense.

(2) Any clerk violating subsection (2) of KRS 100.092 shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than one hundred dollars nor more than five hundred dollars.

(3) Any owner or agent who violates subsection (1) of KRS 100.093 shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than one hundred dollars nor more than three hundred dollars for each lot or parcel so transferred or sold or agreed to be sold.

(4) Any person who violates any of the provisions of KRS 100.500 to 100.600, or any ordinance or regulation made thereunder, is guilty of a misdemeanor.

(5) Any county clerk who violates the provisions of subsection (1) of Section 9 of this Act or subsection (1) of KRS 100.730 shall be fined not less than one hundred nor more than five hundred dollars.

(6) Any person who transfers or negotiates to transfer any land in violation of the provisions of subsection (2) of KRS 100.730 shall pay to the city a penalty of one hundred dollars for each parcel of land so transferred.

Section 18. Section 100.355 of the Kentucky Revised Statutes is hereby repealed.

HB 142, AN ACT relating to the sale of real property by cities and counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Any city or county may sell and convey any real estate owned by it upon a determination by its legislative body that the real estate is no longer needed to carry on the governmental functions of the city or county or that other property is more suitable for the governmental purpose to which the property to be sold and conveyed has been dedicated. The city or county may make such disposition of its property regardless of a previous dedication of the property, whether the dedication was created by virture of use, deed, ordinance or in any other manner.

Section 2. Whereas certain cities and counties desire to dispose of outmoded city property and acquire new modern property and have outstanding obligations and contracts to accomplish this purpose, which expire before this Act would otherwise take effect, an emergency is declared to exist, and this Act shall take effect upon its passage and approval by the Governor.

HB 280, AN ACT relating to planning and zoning.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 100.350 of the Kentucky Revised Statutes is amended to read as follows:

(1) The commission may prepare and approve a comprehensive plan for the physical development of the whole or any portion of the city of the second class. The comprehensive plan may include a master plan, as defined in KRS 100.046. The commission may adopt the master plan by a majority vote following a public hearing.

(2) The commission may make and adopt other plans and maps of the whole or any portion of the city of the second class, and of any land within the municipal area, and it may make changes in the plans or maps when it deems it advisable.

(3) In the maps or plans the commission may provide among other things for changed regulations of all facilities for traffic, transportation or communication and for new or changed harbors, streets, street fixtures, bridges, subways, parks, playgrounds or any other public grounds or public structures or public improvements or appurtenances, and for the general location and extent of public utilities and terminals whether publicly or privately owned or operated, for water, light, sanitation, transportation, communication, power or other purposes, and for the removal, relocation, widening, narrowing, abandonment or extension of any public ways or works or structures with a view to the systematic planning of the city and its environs.

(4) The commission may make and adopt plans for the controls, development and preservation of historical landmarks, for the design and location of statuary and other works of art which are or may become the property of the city or the county, and may make recommendations to any public authorities or to any persons in the city and municipal area concerning the location of any building, structures or works to be constructed by them.

(5) The commission may lay off and establish in the city and municipal area zones or districts of such number, shape and area as the commission believes are best to carry out the purposes of KRS 100.320 to 100.490, and from time to time change zones or districts as to area or boundary or location. The zones or districts shall be designated by maps or plans as well as by boundaries, and the boundaries may be expressed in general descriptive terms. The commission

may make or adopt maps or plans showing the zones or districts, or changes, with appropriate designations and may prescribe and enforce regulations and restrictions on the construction, alteration, repair or use of buildings, structures or land, including the regulation and restriction of the height, number of stories and size of buildings and other structures, the percentage of lots that may be occupied, the size of yards, courts and other open spaces, the density of population and the location and use of buildings, structures and land for trade, industry, residence or other purposes.

(6) All regulations and restrictions shall be uniform for each class or kind of buildings throughout each zone or district, but the regulations or restrictions in one zone or district, may differ from those in other zones or districts.

(7) The commission may enter upon lands and make examinations and surveys for the purpose of exercising its powers.

(8) The commission may make, print and publish and distribute generally copies of any plan, map, report, or recommendation made by it.

HB 287, AN ACT relating to nuisances in cities of the fifth class.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The City Council of a city of the fifth class may, within the city:

(1) Define and declare by ordinance what shall be a nuisance within the limits of the city, and make it unlawful to cause or permit a nuisance;

(2) Prevent and remove nuisances at the expense of the owners or occupants of the nuisance, or at the expense of the persons upon whose ground the nuisance exists, and may by ordinance define and declare the method of enforcement of said lien.

(3) Pay the actual necessary expense in abating the nuisance, and assert a lien against the property of the owners or occupants of the nuisance or against the property of the persons upon whose ground the nuisance exists, and may by ordinance define and declare the method of enforcement of said lien.

HB 278, AN ACT relating to urban renewal.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 99.350 of the Kentucky Revised Statutes is amended to read as follows:

(1) If the council of any community by resolution finds and declares (a) that there exist in the community slum areas or blighted areas, (b) that there is need in the community for the exercise of powers, functions and duties conferred by KRS 99.330 to 99.510, and

(c) that the exercise of such powers, functions and duties by an agency created and established pursuant to this section would be more efficient and in the public interest than the exercise of such powers, functions and duties by the community or the housing commission of the community pursuant to KRS 99.470, an agency, to be known as the slum clearance and redevelopment agency of the city or county, as the case may be, shall thereupon exist for such community with the powers, duties and functions provided for in KRS 99.330 to 99.510.

(2) Upon adoption of the resolution, the mayor shall be promptly notified and he shall appoint, with the approval of a majority of the council, five resident electors of the community as members of the agency.

(3) Three of the members who are first appointed shall be designated to serve for terms of one, two and three years respectively, and the remaining two of such members shall be designated to serve for terms of four years each, from the date of their appointment. Any appointments heretofore made for a term of five years are hereby confirmed and declared to be appointments for a term of four years from the date of such appointment. Thereafter members shall be appointed as aforesaid for a term of office of four years, except that all vacancies occurring during a term shall be filled for the unexpired term. A member shall hold office until his successor has been appointed and qualified.

(4) The agency shall elect a chairman from among its members. The term of office as chairman of the agency, unless otherwise prescribed by the council shall be for the calendar year, or for that portion thereof remaining after each such chairman is designated or elected.

(5) The powers of each agency shall be vested in the members thereof then in office. Members of an agency or their staff shall receive their actual and necessary expenses, including traveling expenses, provided, however, that such other compensation, if prescribed, shall be paid exclusively from community funds.

(6) For inefficiency or neglect of duty or misconduct in office, a member of an agency may be removed by the council but the member may be removed only after he shall have been given a copy of the charges at least ten days prior to a public hearing thereon and has had an opportunity to be heard in person or by counsel.

(7) No officer or employe of the community, or of the agency, who in the course of his duties is required to participate in the formulation of plans or policies for the redevelopment of a development area, or to approve such plans or policies, shall acquire any interest in any property included within a development area within the community. If any such officer or employe owns or has financial interest, direct or indirect, in any property included within such a development area he shall immediately disclose, in writing, such interest to the agency and to the council and such disclosure shall be entered in the

minutes of the agency and of the council. Failure to so disclose such interest shall constitute misconduct in office. No payment shall be made to any member or officer of an agency for any property or interest therein acquired by the agency from such member or officer unless the amount of such payment is fixed by court order in eminent domain proceedings, or unless such payment is unanimously approved by the council.

(8) When an agency is created for any community, the council may at that time, and from time to time thereafter, appropriate such amounts of money to the agency as it deems necessary for the administrative purposes of the agency. The administrative purposes of the agency may include staff and consultants for research, studies and surveys, designation of development areas, preparation of development plans, estimates of the cost of acquisition, clearance and conditioning of land for redevelopment, estimates of their fair use value of the land and any other administrative expenses considered necessary by the council.

(9) Each such agency shall file with the council a detailed report of all its transactions, including a statement of all revenues and expenditures, at such intervals as the council may prescribe.

(10) At any time after two years after the appointment of the first five members of the agency, if such agency shall not theretofore have redeveloped or acquired land for, or commenced the redevelopment of, a project, or entered into any contracts for redevelopment, the council may by resolution declare that the offices of the members of the agency shall be vacated and thereupon the capacity of the agency to transact business or exercise any power shall be suspended and shall remain suspended until the appointment of new members to the office of the agency as hereinbefore set forth in this section.

Section 2. Section 99.370 of the Kentucky Revised Statutes is amended to read as follows:

No agency may acquire title to any land for the purpose of carrying out a development plan unless the following conditions have been met:

(1) A general or master plan of the community has been adopted by the planning commission of the community.

(2) A development plan for the proposed development area has been approved by the planning commission of the community and has been made available for public inspection. The development plan shall designate, among other things, the location, character and extent of the public and private land ownership and uses proposed within the area, such as street, sewer, public transportation, school, recreation, dwelling, business, industry and such others as may be suitable. The development plan may be made by the agency, or at the request of the agency or at the direction of the council, be prepared by the planning commission of the community.

(3) A public hearing held by the agency on the redevelopment project, whereat an opportunity shall be afforded to all persons interested to be heard, either in person or by counsel. Notice of the time and place of such hearings shall be published in a newspaper of general circulation in the community not less than ten days prior to the date set for the hearing. Notices of the hearing shall be mailed at least ten days before the hearing, to the last known owner of each parcel of land in the development area at the last known address of such owner as shown by the records of the assessor. Such notices shall contain a description of the proposed development area by its location in relation to highways, streets, streams or otherwise. Such notices shall further state that maps, plats and particular description of the development plan, together with such zoning maps and ordinances as may relate thereto, are available for public inspection at a place to be designated in such notice. The failure of any owner to receive a copy of such notice shall not invalidate the proceedings of the agency.

(4) A finding has been made by the agency that there is a feasible method for the temporary or permanent relocation of families displaced from the development area, and that there are, or are being provided, in the development area or in other areas not less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the families displaced from the development area, decent, safe, and sanitary dwellings for such displaced families.

(5) After public hearing, the agency has made and certified to the council the development plan and an estimate of the cost required of the community for the redevelopment of such area, for the guidance of the council in providing funds therefor, an estimate of the total cost of such redevelopment including an estimate of the cost of appraisals, the value of the real estate, and any other costs and expenses which, in the judgment of the agency may be incurred by the agency in the exercise of the powers granted in KRS 99.330 to 99.510, and an estimate of the revenue from the sale or lease of the property after demolition and conditioning for redevelopment, and the amount of deficit, if any, which is expected to be incurred.

(6) A finding has been made by the council:

(a) That the area is a slum area or that all the following conditions exist:

1. That the area is a blighted area;

2. That a shortage of housing of sound standards and design adequate for family life exists in the community;

3. That the need for housing accommodations has been or will be increased as a result of the demolition of residential units in slum areas under development plans; and

4. That the conditions of blight in the area and the shortage of decent, safe, and sanitary housing in the community cause or con-

tribute to an increase in the spread of disease and crime and constitute a menace to the public health, safety, and welfare;

(b) That the development plan will afford maximum opportunity consistent with the sound needs of the community as a whole for the redevelopment of the development area by private enterprise;

(c) That the development plan conforms to the general or master plan for the development of the community as a whole; and

(d) That Federal assistance is necessary to enable the development area to be redeveloped in accordance with the development plan and funds will be available for the community share of the cost as required by the Housing Act of 1949 or other Federal Acts providing Federal financial assistance, or that Federal financial assistance is not necessary and all funds will be available from other sources;

(7) The council has approved the development plan.

Section 3. Section 99.390 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person, firm, corporate organization, public officer or governmental agency or department, being a party of record at any hearing conducted by the agency in connection with the designation of a redevelopment project or any such person or entity which has applied for a building permit or certificate of occupancy under KRS 99.380, claiming to be injuriously affected or aggrieved by any action of, or decision by, or refusal of the agency to approve such permit or certificate may appeal from such action or decision to the circuit court of the county wherein the agency is located, and jurisdiction is hereby given to such circuit court to hear and determine all questions and issues brought before it on such appeal. An appeal shall stay all action by all parties of record in the matter appealed from. Such appeal shall be taken within thirty days after notice of such action or decision has been given by the agency to the party affected by the decision of said agency, by filing in the office of the clerk of the circuit court of such county a statement of appeal, setting forth the action or decision of the agency appealed from, the date thereof, the reasons for said appeal, and attaching thereto as a part thereof a certified copy of such action or decision and asking that an order to show cause be issued against and served upon the agency. But the foregoing remedy shall not be exclusive.

(2) After the appeal is taken the procedure shall be the same as in common law actions, except that said appeals shall have preference over other cases on the docket and may, upon the motion of any party, be set down for trial in advance of other cases. Upon filing an appeal, notice thereof must be immediately given to the agency and all parties of record, by actual notice served or by service of summons. Hearings in the circuit court shall be de novo and heard by the judge and appeals may be taken from the decision of said circuit court to the Court of Appeals in the same manner as common law cases are appealed,

except that all appeals to the Court of Appeals must be made within sixty days from the date of judgment in the circuit court.

Section 4. Section 99.420 of the Kentucky Revised Statutes is amended to read as follows:

Whenever in the opinion of the agency, land or other property, or right of way or easement over or through any property is needed by the agency in order to accomplish the purpose of KRS 99.330 to 99.510, it may by resolution, reciting the need for such acquisition, authorize the purchase or condemnation in the name of the agency, of said land or other property, or right of way or easement necessary for such purpose, and may proceed to condemn and acquire such property in the following manner:

(1) The proceedings for condemnation shall be in the circuit court of the county in which the greater part of the property sought to be condemned lies, and shall be conducted in the name of the agency. Proceedings shall be commenced by filing a petition against all persons having an interest in the property, describing the property, right of way or easement sought to be condemned, upon which summons shall be issued and proceedings carried on as nearly as may be as ordinary actions at law are conducted. Nonresidents and persons under disability shall be proceeded against as provided by the Rules of Civil Procedure. The owners of two or more different properties sought to be condemned for the same purpose may be proceeded against in a single action, or the owners of any piece of property may be proceeded against in a separate action.

(2) At any time after the filing of the petition, the agency may apply to the circuit court, or to the judge thereof if the court is in vacation, to appoint commissioners to assess the damages which the owners of the property, right of way or easement to be condemned may be entitled to receive. The court or judge shall then appoint three disinterested, impartial housekeepers of the county who are owners of land, and who shall be sworn to faithfully and impartially discharge their duties. If the appointment is made by the judge in vacation, it shall be by written order, which shall be filed with the petition in the case and may be entered of record at any subsequent term of the court, upon motion of any proper party.

(3) The commissioners shall, as early as practicable, view the property, right of way or easement proposed to be condemned, and award to the owner the value thereof. They shall also award to the owner any incidental damages resulting to his adjacent lands, considering the purposes for which it is taken, but they shall deduct from the incidental damages the value of any advantages and benefits that will accrue to such adjacent lands from the proper use of the property, right of way or easement for the purposes and uses intended. They shall return a report in writing to the office of the clerk of the circuit court, stating their award and showing separately the amount allowed

for the value of the property, right of way or easement to be condemned and taken, the amount allowed for incidental damages to adjacent lands and the amount deducted for advantages and benefits to the adjacent lands. They shall make a separate report as to each separately owned parcel of property.

(4) Immediately after the commissioners have filed said report the judge of the circuit court shall by an interlocutory judgment grant and award to the agency immediate possession and full and complete use and control of said land or other property and the agency shall thereupon be entitled to take possession thereof and to use and control the same for the purpose for which it is being condemned as fully as if the title had been conveyed to it; however, prior to the rendition of the interlocutory judgment, the agency shall be required to pay into court the sum awarded by the commissioners in their report concerning such land or property, or right of way or easement. The court shall, after having rendered said interlocutory judgment, upon motion by the agency, make such orders as may be necessary and proper for the conveyance of such land or other property or property rights to the agency, vesting in the agency the title in fee simple to the land or other property described in such condemnation proceeding, and shall cause its commissioner or a special commissioner appointed by the court to execute and deliver to the agency a deed of conveyance therefor, which deed shall be executed as nearly as practicable in accordance with the rule governing the conveyance of property by commissioners when sold under order of court.

(5) The commissioners may report at any time after summons has been duly issued or warning order attorney appointed. Thereafter, either party may, before answer is due, file written exceptions to said report, except that the agency's exceptions, if any, shall be made and filed prior to the entry of said interlocutory judgment. If the exceptions are based on the ground that the damages awarded are too small or too great, the exceptions must be accompanied by an affidavit of the party stating the amount of damages that he believes would be just and reasonable, and be supported by the affidavits of two disinterested persons stating that the amount claimed by the excepting party would be just and reasonable. The difference between the damages awarded and the amount that the excepting party claims would be just and reasonable shall be deemed the amount in controversy for the purposes of appeal. Exceptions or defenses for nonresidents and persons under disability may be filed by any person authorized to make defense for such persons under the Rules of Civil Procedure. The court may, for proper cause, extend the time for filing exceptions and it may require the parties to plead to an issue of fact to be submitted to a jury according to the course of the common law. The sum not in controversy shall be paid or tendered to the parties defendant by the court prior to the entry of said interlocutory judgment.

(6) It is further provided that before rendering the interlocutory judgment, the court shall require the agency to execute a bond, with surety to be approved by the court, conditioned upon the agency paying to the parties defendant the difference between the sum paid into court and that which may thereafter be finally determined to be the value of the property or property rights and incidental damages, if any, if the parties defendant except to the report of the commissioners, unless the agency shall have sufficient funds duly appropriated, properly allocated to that purpose, and on deposit to pay any money judgments, including all costs adjudged against the agency, that may thereafter be rendered against it, and such fact or facts shall be alleged in its petition for condemnation.

(7) When exceptions have been filed by either party, and all parties have been properly summoned and are before the court and the issues made up, the circuit court shall forthwith cause the case to be docketed for trial by a jury as other common law cases are tried, and it shall, upon motion of either party, give the case preference over other common law cases on the docket. In assessing damages the jury shall be governed by the rule prescribed for making of commissioners' report, and the court shall so instruct the jury. Upon request of either party the jury may be sent by the court, in charge of the sheriff, to view the property, right of way or easement sought to be condemned.

(8) If more than one piece of property is involved, owned by different persons, the jury shall render a separate verdict as to the property of each person, or the court may direct a separate trial for each piece of property owned by different persons. If the verdict of the jury is more favorable to the party excepting the award of the commissioners, the additional costs accrued by reason of the filing of exceptions and subsequent proceedings shall be taxed against the other party, otherwise such additional costs shall be taxed against the party excepting. In either event the agency shall pay all costs of the proceedings other than the additional costs incurred by reason of filing exceptions.

(9) An appeal may be taken by either party in interest from the circuit court to the Court of Appeals in the manner, for any of the causes and subject to the rules provided by general laws regarding appeals from circuit court to the Court of Appeals, but no appeal or supersedeas shall suspend the right of the agency to have possession of the property, easement or right of way condemned.

(10) A slum area or blighted area acquired for a housing project by the housing commission of the community may be included in a development area and the use of such area for redevelopment shall be a public use as though such area were originally acquired for a redevelopment project.

Section 5. Section 99.440 of the Kentucky Revised Statutes is amended to read as follows:

Upon the approval by the council of the development plan, the agency shall proceed to carry out the redevelopment. In the event that a bond issue is to be submitted by the community to the voters for the purpose of providing funds to pay for the cost of the redevelopment project or any part thereof, the question of issuing bonds shall be submitted as required in KRS 66.040 to 66.070, both inclusive.

Section 6. Section 99.450 of the Kentucky Revised Statutes is amended to read as follows:

The agency may sell, exchange, lease, or otherwise transfer real property acquired under the provisions of KRS 99.330 to 99.510 to one or more private individuals or to public bodies, and thereafter the real property shall be used only in accordance with the limitations and conditions set forth in the development plan, or the development plan as modified under KRS 99.330 to 99.510. Maximum opportunity, consistent with the sound needs of the locality, shall be given private enterprise in the redevelopment of development areas. The agency shall sell, lease, exchange, or withhold for public use by the state or any public body thereof, all of the property which it has acquired in such development area as soon as feasible and in the public interest. Prior to any such sale or exchange of real property, the agency shall obtain appraisals made by independent appraisers of the value of such real property proposed to be sold or exchanged, which appraisals shall be based upon the new uses established for such real property. These appraisals shall be used as a guide for the agency in disposing of its real property, but the agency shall not be bound thereby.

Section 7. Section 99.520 of the Kentucky Revised Statutes is amended to read as follows:

It is hereby found and declared that (1) there exist in communities of the state slum, blighted and deteriorated areas which constitute a serious and growing menace, injurious to the public health, safety, morals and welfare of the residents of the state, and the findings and declarations heretofore made in KRS 99.330 with respect to slum and blighted areas are hereby affirmed and restated, (2) certain slum, blighted or deteriorated areas, or portions thereof, may require acquisition and clearance, as provided in KRS 99.330 to 99.510, since the prevailing condition of decay may make impracticable the reclamation of the area by conservation or rehabilitation, but other areas or portions thereof may, through the means provided in KRS 99.330 to 99.510 and KRS 99.520 to 99.590, be susceptible of conservation or rehabilitation in such a manner that the conditions and evils hereinbefore enumerated may be eliminated, remedied or prevented, and to the extent feasible salvable slum and blighted areas should be conserved and rehabilitated through voluntary action and the regulatory process, and (3) all powers conferred by KRS 99.330 to 99.510 and KRS 99.520

to 99.590, are for public uses and purposes for which public money may be expended and such other powers exercised, and the necessity in the public interest for the provisions of KRS 99.330 to 99.510 and KRS 99.520 to 99.590, is hereby declared as a matter of legislative determination. A community, to the greatest extent determines to be feasible in carrying out the provisions of KRS 99.330 to 99.510 and KRS 99.520 to 99.590, shall afford maximum opportunity, consistent with the sound needs of the community as a whole, to the rehabilitation or redevelopment of areas by private enterprise.

Section 8. Section 99.530 of the Kentucky Revised Statutes is amended to read as follows:

(1) In addition to its authority under KRS 99.330 to 99.510 an agency is hereby authorized to plan and undertake urban renewal projects. As used in KRS 99.520 to 99.590, an urban renewal project may include undertakings and activities for the prevention of the development or spread of slums or blighted, deteriorated, or deteriorating areas, or the elimination thereof, and may involve any work or undertaking for such purpose constituting a redevelopment project or any rehabilitation or conservation work, or any combination of such undertaking or work. For this purpose, "rehabilitation or conservation work" may include (a) carrying out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements; (b) acquisition of real property and demolition, removal, or rehabilitation of buildings and improvements thereon where necessary to eliminate unhealthful, unsanitary or unsafe conditions, lessen density, reduce traffic hazards, eliminate obsolete or other uses detrimental to the public welfare, or to otherwise remove or prevent the spread of blight or deterioration, or to provide land for needed public facilities; (c) installation, construction, or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out the objectives of the urban renewal project; and (d) the disposition, for uses in accordance with the objectives of the urban renewal project, of any property or part thereof acquired in the area of such project; provided that such disposition shall be in the manner prescribed in KRS 99.450 for the disposition of property in a redevelopment project area.

(2) Notwithstanding any other provisions of KRS 99.330 to 99.510 and KRS 99.520 to 99.590, where the local governing body certifies that an area is in need of redevelopment or rehabilitation as a result of a flood, fire, hurricane, earthquake, storm, or other catastrophe respecting which the Governor of the state has certified the need for disaster assistance under Public Law 875, Eighty-First Congress, or other federal law, the local governing body may approve an urban renewal plan and an urban renewal project with respect to such area without regard to any provisions of KRS 99.330 to 99.510 and KRS 99.520 to 99.590, requiring public hearings or requiring that the urban

renewal plan conform to a general or master plan for the community as a whole, or that the urban renewal area be a slum area, or a blighted, deteriorated, or deteriorating area, or that the urban renewal area be predominantly residential in character or be developed or redeveloped for residential uses.

Section 9. Section 99.540 of the Kentucky Revised Statutes is amended to read as follows:

Any urban renewal project undertaken pursuant to the preceding section shall be undertaken in accordance with an urban renewal plan for the area of the project. As used in KRS 99.520 to 99.590, an "urban renewal plan" means a plan, as it exists from time to time, for an urban renewal project, which plan (1) shall conform to the general or master plan for the community as a whole, except as provided for disaster areas; and (2) shall be sufficiently complete to indicate such land acquisition, demolition and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the area of the urban renewal project, zoning and planning changes, if any, land uses, maximum densities, building requirements, and the plan's relationship to definite local objectives respecting appropriate land uses, improved traffic, public transportation, public utilities, recreational and community facilities, and other public improvements. An urban renewal plan shall be prepared and approved pursuant to the same procedure as provided in KRS 99.330 to 99.510 with respect to a development plan. Where real property acquired by an agency is to be transferred in accordance with the urban renewal plan, any contract for such transfer and the urban renewal plan, or such part or parts of such contract or plan as the agency may determine, may be recorded in the land records of the community in such manner as to afford actual or constructive notice thereof.

Section 10. Section 99.550 of the Kentucky Revised Statutes is amended to read as follows:

An agency shall have all the powers necessary or convenient to undertake and carry out urban renewal plans and urban renewal projects, including the authority to acquire and dispose of property, to issue bonds and other obligations, to borrow and accept grants from the Federal Government or other source and to exercise the other powers which KRS 99.330 to 99.510 confer on an agency with respect to redevelopment projects. In connection with the planning and undertaking of any urban renewal plan or urban renewal project, the agency, the community, and all public and private officers, agencies, and bodies shall have all the rights, powers, privileges, and immunities which they have with respect to a development plan or redevelopment project, in the same manner as though all of the provisions of KRS 99.330 to 99.510 applicable to a development plan or redevelopment project were applicable to an urban renewal plan or urban renewal project; provided that for such purpose the word "redevelopment" as used in KRS 99.330 to 99.510 and KRS 99.520 to 99.590, except in this section and in the definition of "redevelopment project" in KRS 99.340, shall mean "urban renewal", the words "slum area" and the words "blighted area" as used in KRS 99.330 to 99.510 and KRS 99.520 to 99.590, except in this section and in the definitions in subsections (1) and (2) of KRS 99.340, shall mean "blighted, deteriorated, or deteriorating area", and the finding prescribed in KRS 99.370 with respect to a slum area or blighted area shall not be required; provided further that any disaster area, referred to in KRS 99.530, shall constitute a "blighted area"; and provided further that this section shall not change the corporate name of the agency or amend any section of KRS 99.330 to 99.510. In addition to the surveys and plans which an agency is otherwise authorized to make, an agency is hereby specifically authorized to make (1) plans for carrying out a program of voluntary repair and rehabilitation of buildings and improvements, (2) plans for the enforcement of laws, codes, and regulations relating to the use of lands and the use and occupancy of buildings and improvements, and to the compulsory repair, rehabilitation, demolition, or removal of buildings and improvements; (3) plans for the relocation of persons, including families, business concerns and others, displaced by an urban renewal project, (4) preliminary plans outlining urban renewal activities for neighborhoods to embrace two or more urban renewal areas, and (5) preliminary surveys to determine if the undertaking and carrying out of an urban renewal project are feasible. The agency is authorized to make relocation payments to or with respect to persons, including families, business concerns and others, displaced by an urban renewal project, for moving expenses and losses of property for which reimbursement or compensation is not otherwise made, including the making of such payments financed by the Federal Government. The agency also is authorized to develop, test, and report methods and techniques, and carry out demonstrations and other activities, for the prevention and the elimination of slums and urban blight.

HB 288, AN ACT relating to nuisances in cities of the sixth class.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The City Council of a city of the sixth class may, within the city:

(1) Define and declare by ordinance what shall be a nuisance within the limits of the city, and make it unlawful to cause or permit a nuisance;

(2) Prevent and remove nuisances at the expense of the owners or occupants of the nuisance, or at the expense of the persons upon whose ground the nuisance exists, and may by ordinance define and declare the method of enforcement of said lien.

(3) Pay the actual necessary expense in abating the nuisance,

and assert a lien against the property of the owners or occupants of the nuisance or against the property of the persons upon whose ground the nuisance exists, and may by ordinance define and declare the method of enforcement of said lien.

HB 298, AN ACT relating to zoning and planning in cities of the third to sixth classes and in counties containing such cities.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. (1) Any city of the third, fourth, fifth or sixth class and the county in which such city is located are hereby authorized and empowered to enter into an agreement to regulate the physical development, including planning and zoning, of the incorporated and unincorporated areas under their respective jurisdictions. Such agreement shall be in writing and submitted to the legislative body of such city and the fiscal court of such county, for approval or disapproval. If approved, the provisions of this Act and said agreement shall become effective upon the adoption thereof by a mutual ordinance and order passed by such legislative body and by such fiscal court, respectively, setting forth therein said written agreement and authorizing the execution and delivery of same. Thereupon said agreement shall be recorded in the office of the clerk of the county court of such county, and the city clerk or other appropriate official of such city.

(2) In the event that more than one city in such county desires to avail itself of the benefits of this Act, such additional city or cities are hereby authorized and empowered to enter into an agreement or agreements as set out in subsection (1) with such county, with the territorial jurisdiction of the joint city-county planning commissions terminating at a line or lines equidistant from the respective corporate limits of the participating cities or in the event that such division is not practical at a line mutually agreed upon by the city-county commissions involved. If agreement cannot be reached by commissions involved, then it shall be the duty of the fiscal court to determine such a line.

Section 2. Such city or cities and such county are hereby authorized and empowered to make, adopt, adjust, amend, extend, and add to, by appropriate ordinances and orders, joint and comprehensive city and county planning and zoning plans, including rules and regulations for the enforcement thereof; and may jointly create:

(1) A joint city and county planning commission or commissions, hereinafter called "commission", with the powers, duties and functions hereinafter set forth; and

(2) A joint city and county board or boards of zoning adjustment and appeals, hereinafter called "board", with the powers, duties and functions hereinafter set forth.

Section 3. (1) It shall be the function and duty of each commission to prepare and approve a comprehensive plan for the physical development of the city and the area of the county encompassed by the territorial jurisdiction of each commission, and to submit and recommend same to the fiscal court and to the legislative body of the city for adoption or rejection. The legislative body or the fiscal court may adopt that portion of the comprehensive plan or parts thereof that pertain to its area of jurisdiction separate from the action of the other body.

(2) Said comprehensive plan shall show and include:

(a) A master plan, as defined and provided for in KRS 100.046 through 100.051;

(b) A zoning plan and regulations and restrictions relating thereto, as defined and provided for in KRS 100.066 through 100.073; and

(c) Subdivision control regulations and restrictions relating thereto, as defined and provided for in KRS 100.087 through 100.092, but not in conflict with KRS 100.720.

(3) In the preparation of the comprehensive plan, and at all times thereafter, it shall be the duty of the commission to consult and advise with public officials and agencies, including the city and county board of health or its successor or successors, public utility companies, civic, educational, agricultural, professional and other organizations, and with citizens, regarding the preparation, protection and carrying out of the plan. The commission, its members, officers, and employes, in the performance of their duties and functions, may enter upon any land and make examinations and surveys that do not occasion damage or injury to private property. In general, the commission shall have such powers as may be necessary to enable it to fulfill its duties and functions, to promote city and county planning, and to carry out the purposes of this Act.

(4) The commission may, from time to time, recommend to the appropriate public officials programs for the acquisition of land and the construction of public structures and improvements, and for the financing thereof.

(5) The commission shall have power to promote public interest in and an understanding of the comprehensive plan, and part and parts thereof, and to that end may publish and distribute copies thereof, or of any report relating thereto, and may employ such other means of publicity and education as it may determine.

Section 4. The commission shall be composed of four ex officio members, who shall be the mayor, a member of the legislative body of the city selected by the legislative body, the county judge, or a member of the fiscal court, and the road engineer of such county, or another member of the fiscal court, and four citizens, two to be appointed by the mayor and two to be appointed by the county judge. The two members appointed by the mayor shall be residents within the corporate limits of such city. The two members appointed by the county judge shall be residents of that portion of the county lying outside the corporate boundaries of such city, but inside the area comprising the territorial jurisdiction of the commission. The term of each ex officio member shall correspond to his respective official tenure. The terms of the appointed members shall be four years, and until their successors take office, except that the original terms shall be one and four years, respectively, for the two members appointed by the mayor and two and three years, respectively, for the two members appointed by the county judge. The mayor or the county judge shall appoint successors of appointed members within thirty days after the expiration of their terms, or after a vacancy otherwise occurs. The members of the commission shall, before entering upon their duties as such, qualify by taking the necessary oath of office before the county judge of such county. An appointed member may be removed by the appointing official, for inefficiency, neglect of duty, malfeasance, or improper conduct. The appointing official shall file with the commission a written statement setting forth the reasons for such removal.

Section 5. The commission shall elect, from among appointed members, a chairman and vice-chairman. In the absence of the chairman, the vice-chairman shall act and have all of the powers and duties of the chairman. The terms of the chairman and vice-chairman shall each be for one year. The commission shall hold at least one regular meeting in each calendar quarter. It shall adopt bylaws for the transaction of business and keep minutes and records of all of its proceedings, showing its resolutions, transactions, findings and determinations, and the vote of each member on each question, or, if absent, or failing to vote, indicating such fact, all of which shall be immediately filed in the office of the commission and shall be public records. Both the ex officio members and the appointed members, except the chairman, shall be entitled to vote on any subject or matter before the commission, and a quorum of the commission for the transaction of any business shall constitute five members, including the chairman or acting chairman. However, approval of any ordinance, regulation or order shall be made only by majority vote of the entire commission. In case of a tie vote or a deadlock, the chairman shall have the power to vote and shall cast his vote and break such tie vote or deadlock. Amendments to the comprehensive plan shall be submitted by the commission to the fiscal court and to the city legislative body, and shall become effective in the same manner as provided for the adoption of the comprehensive plan or portions thereof in Section 3 of this Act.

Section 6. The commission shall designate and appoint an enforcement officer who may be a member of the commission, who shall be charged with and provided with the authority to enforce the ordinances, regulations, and orders of the commission and to issue zoning permits and certificates of occupancy. The commission may fix a reasonable schedule of fees for the issuance of such permits and certificates.

Section 7. (1) The board of zoning adjustment and appeals shall be composed of six members, none of whom shall hold any other city or county office, except that one may be a member of the commission. Three of the members shall be appointed by the city legislative body and the other three by the fiscal court. Terms of office shall be three years, except that of the original appointments by the city legislative body one shall be for one year, one for two years, and one for three years, and that of the original appointments by the fiscal court one shall be for one year, one for two years and one for three years. The city legislative body or the fiscal court shall appoint successors of appointed members within thirty days after the expiration of their terms, or after a vacancy otherwise occurs. The members of the board shall, before entering upon their duties as such, qualify by taking the necessary oath of office before the county judge of such county. A member may be removed for cause by the appointing authority upon written charges and after public hearing.

(2) The board shall elect a chairman and a vice-chairman. In the absence of the chairman, the vice-chairman shall act and have all of the powers and duties of the chairman. The terms of the chairman and vice-chairman shall each be for one year. The chairman shall have the right to vote on any subject or matter before the board only in case of a tie vote or a deadlock in order to break such tie vote or deadlock. Meetings of the board shall be held at the call of the chairman and at such other times as the board determines.

Section 8. (1) The board of zoning adjustment and appeals may:

(a) Adopt bylaws for its own government, not inconsistent with any law, city ordinance, or order or resolution of the fiscal court, with reference to the plans under consideration by the board;

(b) Hear and decide appeals and applications for special exceptions;

(c) Authorize, upon application or appeal, such variances from the terms of the ordinance or order, or of any plans, rules or regulations made thereunder, as will not be contrary to the public interest, where a literal enforcement of the provisions of the ordinance, order, plans, rules or regulations would result in unnecessary hardship, and so that the spirit of the ordinance or order shall be observed and substantial justice be done.

(2) In exercising its powers, the board may reverse, affirm or modify an order or decision of an administrative official.

(3) The concurring vote of a majority of the entire membership of the board shall be necessary in making any decision.

Section 9. (1) In the event that no city in such county desires to avail itself of the benefits of this Act the fiscal court of such county is hereby authorized and empowered to regulate the physical development, including planning and zoning, of the unincorporated areas of such county. The intention to so regulate by such county shall be indicated by an order passed by such fiscal court which shall: create a county planning commission and a county board of zoning adjustment and appeals, the functions, powers and duties of which shall be as nearly as possible comparable to and with the functions, powers and duties hereinbefore provided for joint city-county commissions and boards and provide for the personnel and staff of such county commission and board including an enforcement officer, and the appointment, organization and financing thereof, and for appropriate rules, regulations and procedure.

(2) The fiscal court, in order to determine that no city in such county desires to participate in a joint city-county planning and zoning commission shall submit a petition of inquiry to the legislative body of the third to sixth class city or cities, which must be answered in writing by the city legislative body within sixty days. If no answer to the petition is forthcoming from the city within sixty days the fiscal court shall interpret this as a negative reply.

(3) A county planning commission shall be composed of two ex officio members, who shall be the county judge, and either a second member of the fiscal court appointed by the fiscal court or the county road engineer, and six citizens appointed by the county judge, who shall be residents of the unincorporated areas of the county. The term of each ex officio member shall correspond to his respective official tenure. The terms of the appointed members shall be four years, and until their successors take office except that the original terms shall be for one year for one member, two years for two members, three years for one member and four years for two members. The county judge shall appoint successors of appointed members within thirty days after the expiration of their terms, or after a vacancy otherwise occurs. The members of the commission shall, before entering upon their duties as such, qualify by taking the necessary oath of office before the county judge of such county. An appointed member may be removed by the appointing official, for inefficiency, neglect of duty, malfeasance, or improper conduct. The appointing official shall file with the commission a written statement setting forth the reasons for such removal. The bylaws and powers pertaining to the offices of the county commission, meetings, records, rates, quorum and enforcement shall be the same as those permitted when a city of the third to sixth class joins with its county or part thereof to form a joint commission.

(4) When a county planning commission exists and a zoning ordinance has been adopted a county board of zoning adjustment and appeals shall be appointed. The board shall be composed of six members, who shall be residents of the unincorporated areas of the county,

none of whom shall hold any other county office except that one may be a member of the planning commission. All six members shall be appointed by the fiscal court. Terms of office shall be three years, except those of the original appointments, of which two shall be for one year, two for two years and two for three years. The fiscal court shall appoint successors of members within thirty days after the expiration of their terms, or after a vacancy otherwise occurs. The members of the board shall, before entering upon their duties as such, qualify by taking the necessary oath of office before the county judge of such county. A member may be removed for cause by the appointing authority upon written charges and after public hearing. The board shall have the same powers and duties as set forth for joint city-county boards of zoning adjustment and appeals.

Section 10. In instances where there is no incorporated city in a county the fiscal court may appoint a county planning commission and a board of zoning adjustment and appeals in order to avail the county of the benefits of this statute. The organization, functions, powers and duties of such commission and board will be the same as those provided for in Section 9 of this Act.

HB 303, AN ACT relating to local health departments.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 212.010 of the Kentucky Revised Statutes is amended to read as follows:

After the effective date of this Act no city shall organize or continue to operate a city board or department of health in a county in which a county health department has been established as provided by law. The jurisdiction of the county board and department of health shall extend throughout the county including all cities and towns located therein; provided, however, that nothing contained in this section shall prevent the formation of a joint city-county health department as provided by law.

HB 337, AN ACT relating to cities of the fourth class.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 86.150 of the Kentucky Revised Statutes is amended to read as follows:

The city council may, within the city:

(1) Regulate the location and use of butchers' shops, slaughterhouses, glue factories, breweries, distilleries, livery stables, blacksmith shops and foundries;

(2) Prevent and remove nuisances at the expense of the owners

or occupants of the nuisance, or at the expense of the persons upon whose ground the nuisance exists;

(3) Define and declare by ordinance what shall be a nuisance within the limits of the city, and make it unlawful to cause or permit a nuisance;

(4) Pay the actual necessary expense in abating the nuisance, and assert a lien against the property of the owners or occupants of the nuisance or against the property of the persons upon whose ground the nuisance exists, and may by ordinance define and declare the method of enforcement of said lien;

(5) Regulate and prohibit the running at large of stock on the streets of the city;

(6) Establish and maintain a pound;

(7) Make proper regulations for impounding and keeping of stock, and fix fees for the impounding, keeping and release of such stock.

HB 320, AN ACT relating to Commonwealth's attorneys.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

In any county containing a city of the second class the Commonwealth's attorney may appoint an assistant Commonwealth's attorney, who shall possess the same qualifications as the Commonwealth's attorney. The appointment shall be for a term of four years, but the assistant may be removed at any time by the Commonwealth's attorney. The assistant shall have the same powers and perform the same duties as the Commonwealth's attorney, subject to the direction and control of the Commonwealth's attorney, and shall act for the Commonwealth's attorney when the Commonwealth's attorney is absent or unable to perform his duties. The assistant's compensation shall be paid as provided in KRS 64.520.

HB 341, AN ACT relating to the Ohio River bed.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 56.220 of the Kentucky Revised Statutes is amended to read as follows:

All that portion of the bed of the Ohio River, lying north of the thread of the stream, except accretions to islands privately owned, is declared to be vacant and unappropriated land, and the county court of each county bordering on the Ohio River may use or lease the river bed for county purposes. Any lease of such river bed for development and/or removal of sand, gravel, gas, oil or other minerals or substances, conveys full right and title to the lessee of all interests embraced by the lease; and all rents, royalties and other proceeds from such lease shall be the property of the county bordering on the Ohio River and making such leases.

All monies paid into or to be paid into the State Treasury under the terms of leases heretofore made are appropriated to the counties bordering upon the Ohio River within whose boundaries the leases that produce the monies lie, and may be used for general county purposes.

The Committee on Municipal and County Government reported **HB 321** with the expression of opinion that the same should pass with Committee amendment. Read at length for the first time and ordered placed in the Calendar.

HB 321, AN ACT relating to water districts, and declaring an emergency.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 74.020 of the Kentucky Revised Statutes is amended to read as follows:

(1) After the county court has made an order creating a water district, the court shall appoint three commissioners from among the residents of the district for terms of two, three and four years respectively as designated by the court, and at the expiration the terms of the first commissioners, for terms of four years, but the individual holding such office shall do so at the pleasure of the court.

(2) Vacancies shall be filled by the county court. Vacancies resulting from cause other than expiration of the term shall be filled for the unexpired term only.

(3) The commission shall elect a chairman, secretary and treasurer. Each commissioner shall execute a bond, approved by the county court, conditioned on the faithful performance of the duties of his position.

(4) Each commissioner shall receive an annual salary of not more than five hundred dollars, to be fixed by the county court and paid out of the water district fund. In fixing the salary of the commissioners, the court shall take into consideration the financial condition of the district and its ability to meet its obligations as they mature.

Section 2. Section 74.030 of the Kentucky Revised Statutes is amended to read as follows:

The county attorney shall act as counsel to the water commission, except that the commission may, subject to approval of the court, employ counsel whose compensation shall be paid from water district funds.

Section 3. Section 74.060 of the Kentucky Revised Statutes is repealed.

Section 4. Water districts provide an essential community service, which must be kept fully operational at all times. All personnel hold their positions by appointment only. Since to require an involved procedure for dismissal of such personnel could disrupt the operation of such services, an emergency is declared to exist, and this Act shall become effective upon approval by the Governor.

Amend printed copy of **HB 321** on page 2, section (4), line 18, by deleting the words "five hundred" and inserting in lieu thereof, the words "twenty four hundred".

The Committee on Health and Welfare reported **HB 242** and **HB 276** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 242, AN ACT relating to disposal of dead bodies.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. No person shall cremate the body of a deceased person without first obtaining from the coroner in the county in which the death occurred, a written certificate stating the cause of death and authorizing the cremation of the body. Such certificate shall be filed with the local Registrar of Vital Statistics in the same manner as other death certificates.

Section 2. Any person who violates Section 1 shall be fined not less than $1000 nor more than $5000 or imprisoned in the county jail for not less than thirty days nor more than one year, or both.

Section 3. Section 213.090 of the Kentucky Revised Statutes is amended to read as follows:

(1) When a death occurs without a physician in attendance, the undertaker shall give notice of the death to the registrar, who shall then refer the case to the local health officer for immediate investigation and certification, prior to issuing the burial permit. If the circumstances of the case render it probable that the death was caused by crime, suicide, or by drowning or other sudden cause, or death occurred without the attendance of a physician at any time during the thirty-six hours immediately prior to death, or if the body is to be cremated or transferred out of the state for burial, the registrar shall refer the case to the coroner for his investigation and certification.

(2) Any coroner whose duty it is to hold an inquest on the body of any deceased person, and to make the certificate of death required for a burial permit, shall state in his certificate the nature of the disease or the manner of death. If the death was from external causes of violence, he shall state whether in his opinion the death was accidental, suicidal or homicidal. He shall in any case furnish the information required by the Division of Vital Statistics to properly classify the death.

Section 4. Section 213.130 of the Kentucky Revised Statutes is amended to read as follows:

No sexton or person having charge of or being the owner of any cemetery, crematorium or other premises in which dead bodies are interred, cremated, or otherwise disposed of, shall inter, cremate, or permit the interment, cremation, or other disposition of the body of any deceased person on such premises unless it is accompanied by a burial, removal, or transit permit as is required by KRS 213.110. Each such person shall indorse upon the permit, over his signature, the date of interment, cremation or other disposition of the body, and return all permits so indorsed to the local registrar within ten days from the date of interment, or within the time fixed by the local board of health. He shall also keep a record of all interments, cremations, or other dispositions of bodies made on the premises under his ownership or charge, stating the name of the deceased, his place of birth, the date of burial, cremation or other disposition, and the name and address of the undertaker. This record shall at all times be open to public inspection.

HB 276, AN ACT relating to the regulation and use of anhydrous ammonia.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The term "anhydrous ammonia" as used in this Act refers to the compound formed by the combination of the two gaseous elements, nitrogen and hydrogen, in the proportion of one part nitrogen to three parts of hydrogen by volume. Anhydrous ammonia is ammonia gas in compressed or liquefied form, and is not aqueous ammonia.

Section 2. The Department of Agriculture, Labor and Statistics shall make, promulgate and enforce regulations setting forth minimum general standards covering the design, construction, location, installation and operation of equipment for storing, handling, transporting by tank truck, tank trailer, and utilizing anhydrous ammonia. Said regulations shall be such as are reasonably necessary for the protection and safety of the public and persons using such materials, and shall be in substantial conformity with the generally accepted standards of safety concerning the same subject matter. Such regulation shall be adopted by the department after a public hearing thereon. Regulations in substantial conformity with the published standards of the Agricultural Ammonia Institute and the Compressed Gas Association for the design, installation and construction of containers and equipment for the storage and handling of anhydrous ammonia shall be deemed to be in substantial conformity with the generally accepted standards of safety concerning the same subject matter.

Section 3. All equipment shall be installed and maintained in a safe operating condition and in conformity with the rules and regulations of the department adopted under Section 2 of this Act.

Section 4. No person, firm or corporation other than the owner of the facility and those authorized by the owner so to do, shall sell, fill, refill, deliver or permit to be delivered, or use in any manner any anhydrous ammonia container or receptacle for any gas, compound, for any other purpose whatsoever.

Section 5. Any person who violates any provision of this Act shall be fined not more than five hundred dollars.

Section 6. In addition to the penalties provided in Section 5 of this Act, any person, firm or corporation who shall violate or remain in violation of any of the provisions of this Act or of any rule or regulation promulgated thereon may be directed and ordered by notice in writing setting forth the facts relating to such violation to correct same. Such notice shall be served personally upon said person or mailed by registered mail to the principal office of said person, firm or corporation, or if an individual or individuals, to his or their residence. If such order is not complied with and such violation not corrected within twenty days of service of such order, the Department of Agriculture, Labor and Statistics may file in the circuit court of the county of residence if a person, or place of business if a corporation where such violation occurs, a complaint setting up the facts and praying an injunction. The court upon hearing shall determine the case, and issue proper orders. All orders of the Department of Agriculture, Labor and Statistics, issued after a hearing, shall be prima facie evidence of the truth of the matters involved, and may be appealed to circuit court as in other cases.

The Committee on Health and Welfare reported **HB 144** and **HB 13** with the expression of opinion that the same should pass with Committee amendment. Read at length for the first time and ordered placed in the Calendar.

HB 144, AN ACT relating to physical therapy and the practice thereof, including establishment of a Physical Therapy Board, collection of fees, and the issuance, suspension and revocation of licenses, and prescribing penalties for unlicensed practice of physical therapy and other violations of this Act.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. *Definitions.* As used in this Act, unless the context otherwise requires:

(a) "Physical Therapy" means the treatment of any bodily or mental condition of any person by the use of physical, chemical or mechanical agents; the properties of heat, light, water, electricity; massage; and therapeutic exercises, all under the prescription of a licensed medical doctor. The use of roentgen rays and radium for diagnostic or therapeutic purposes; the use of electricity for surgical purposes, including cauterization; and colonic irrigations are not authorized under the term "physical therapy" as used in this Act.

(b) "Physical Therapist" means a person who is licensed to practice physical therapy.

Section 2. *Persons Authorized to Practice Physical Therapy.*

(a) No person shall engage in the practice of physical therapy or hold himself out as a Physical Therapist, or open, occupy or maintain an office for the purpose of practicing physical therapy or otherwise announce his readiness to practice physical therapy in this State unless he is the holder of a valid and unrevoked license issued by the State Board of Physical Therapy. Provided, however, that nothing contained in this Act shall prohibit any person licensed in this State according to law, from carrying out the therapy or practice for which he is duly licensed.

Provided further that persons regularly employed by the United States or in mental hospitals operated by the Commonwealth of Kentucky shall be exempted from the provisions of this Act while engaged in such employment.

(b) A licensed physical therapist may hold himself out as a "Physical Therapist" or "Licensed Physical Therapist" and may use the abbreviations "P. T." or "L. P. T." as a part of or immediately following his name, in connection with his profession. No person who is not the holder of a license from the State Board of Physical Therapy shall so use the terms "Physical Therapist" or "Licensed Physical Therapist" or the abbreviation "L. P. T." and no person other than licensees of said Board or physio-therapists licensed by the State Board of Health shall so use the abbreviation "P. T."

Section 3. *Board of Physical Therapy Created.* There is hereby established a State Board of Physical Therapy which shall consist of three members who shall be appointed by the Governor from a list of five persons submitted by the Kentucky Chapter of the American Physical Therapy Association, all of whom shall be residents of Kentucky and shall have engaged in the practice of physical therapy within this State for at least two years. Members of the first Board shall be appointed for terms of one, two, and three years, respectively. Subsequent appointments shall be for a term of two years and until their successors are appointed and qualify. Vacancies shall be filled by the Governor in like manner from a list of five submitted by the Kentucky Chapter of the American Physical Therapy Association. The Board shall annually elect a Chairman and a Secretary.

Section 4. *Duties of Board.* It shall be the duty of the State Board of Physical Therapy to receive applications from persons desiring to become Physical Therapists and to determine whether said applicants meet the qualifications and standards required by this Act of all Physical Therapists. The Board shall also be charged with enforcement of the provisions of this Act.

The Board is hereby constituted a body corporate, with power to sue and be sued, to institute criminal proceedings in the name of the Commonwealth against violators of this Act, or to institute civil proceedings to enjoin violation thereof, or both. It shall investigate every supposed violation of this Act coming to its notice and shall take such action as it may deem to be appropriate. It shall be the duty of the Attorney General, the Commonwealth attorneys and the County attorneys to assist the Board in prosecuting all violations of this Act.

The Board shall meet at least once each quarter at such place in this State as may be selected by the Board. Two members of the Board shall constitute a quorum for the transaction of business. All meetings shall be held at the call of the Chairman upon not less than ten days written notice, unless notice shall be waived. The presence of any member at any meeting of the Board shall constitute a waiver of notice thereof by such member.

The Board may administer oaths and compel the attendance of witnesses to give testimony as to any matters pertaining to its duties. It shall keep a minute book containing a record of all meetings of the Board, and a register of all persons licensed under this Act. This register shall show the name of every living Physical Therapist in this State, his last known business and residence addresses, and the date and number of his license.

The Board shall adopt a seal which shall be affixed to every license granted by it. It may adopt and enforce reasonable regulations for the effectuation of the purposes of this Act, which regulations, when properly filed with the Legislative Research Commission, shall have the force and effect of law.

Section 5. *Applications for and Issuance of Licenses.* To be eligible for licensure by the Board as a Physical Therapist, an applicant must be a high school graduate of good moral character, and a graduate of an accredited school of physical therapy approved by the Board. No school shall be approved unless it has been accredited or approved by the Council on Medical Education and Hospitals of the American Medical Association, or the American Physical Therapy Association.

Any person who possesses the aforementioned qualifications and who desires to be examined for licensure as a Physical Therapist in Kentucky shall make written application therefor to the Board, on forms to be provided by the Board, which shall be accompanied by an application fee of $25.00, no part of which shall be returned. If it appears from said application that the applicant possesses the qualifications required by this Act, such applicant shall be admitted to the next scheduled written examination in which his knowledge of anatomy, neuroanatomy, kinesiology, physiology, pathology, psychology, neurology, medical ethics, technical procedures in the practice of physical therapy, and such other subjects as the Board may determine to be necessary, shall be tested.

Examinations shall be held twice a year; in October and April, at Frankfort. Applicants who are admitted to the written examination may be granted temporary licenses which shall be valid until said applicants' examinations are graded and they are notified by the Board of their score thereon. All applicants who receive an average score of not less than 75 percentage points on the entire examination and not less than 65 percentage points on each subject in which examined shall be licensed as Physical Therapists and furnished with a certificate attesting thereto. This license shall be automatically renewed annually, without further examination, upon payment, on or before January 31 of each year, of a renewal fee to be fixed by the Board in an amount not to exceed $10.00. Licenses which are not renewed by that date shall lapse, except that the Board may reinstate a lapsed license upon payment of the renewal fee. Applicants who fail to receive a passing score on their examination shall not be licensed; but the Board may, by regulation, permit applicants to take the examination more than once.

Section 6. *Registration Without Examination.* The State Board of Physical Therapy may register as a physical therapist and may furnish a license without examination to any person who applies for registration on or before December 31, 1958, and who at the time of the passage of this Act, is practicing physical therapy in this State, and who possesses the qualifications required by this Act of all applicants for licensure as Physical Therapists in this State.

The Board may enter into reciprocity agreements with other states or foreign countries, providing for the mutual recognition of persons licensed or registered in Kentucky and such other states or foreign countries, if the standards of such other state or foreign country are determined by the Board to be as high as those of this State.

All applications for licensure without examination shall be accompanied by an application fee of $25.00, no part of which shall be returned.

Section 7. *Refusal, Revocation and Suspension of a License.* The Board, after due notice and hearing may refuse to license any applicant, and may refuse to renew the license of any licensed person, and may suspend or revoke the license of any licensed person:

(1) Who indulges in excessive use of alcoholic beverages or who is addicted to the use of narcotic drugs;

(2) Who has been convicted of violating any state or federal narcotic law;

(3) Who is, in the judgment of the Board, guilty of immoral or unprofessional conduct;

(4) Who has been convicted of a felony or any crime involving moral terpitude;

(5) Who has obtained or attempted to obtain a license by fraud or material misrepresentation or who has made any other false statement to the Board;

(6) Who is guilty, in the judgment of the Board, of gross negligence in his practice of physical therapy;

(7) Who has been declared insane by a court of competent jurisdiction and has not thereafter been declared lawfully sane;

(8) Who has treated or undertaken to treat human ailments otherwise than by physical therapy as defined in this Act, or who has undertaken to practice independent of the prescription, direction or supervision of a licensed medical doctor.

(9) Who has failed or refused to obey any lawful order or regulation of the Board.

Section 8. *Expense of Board.* All fees collected by the Board shall be paid into the State Treasury and credited to an account for the payment of all lawful expenses of the Board. Each member of the Board shall be entitled to a per diem of $10.00 and his reasonable expenses for attending each meeting of the Board, and the Board may employ such clerical assistance and purchase such materials and supplies as it may deem necessary for the proper discharge of its duties, all of which shall be paid for out of the account hereby created, on vouchers certified by the Chairman.

Section 9. *Penalties.* Each violation of Section 2 of this Act shall constitute a misdemeanor and be punished by a fine of not less than $50.00 nor more than $100.00 or by imprisonment for not less than 10 days nor more than 30 days, or both, for the first offense. Each subsequent violation thereof shall be punished by a fine of not less than $100.00 nor more than $300.00 or by imprisonment for not less than 30 days nor more than 90 days or both.

Any person who shall knowingly make a false statement in his application for licensure under this Act, or in response to any proper inquiry by the Board, shall be guilty of a misdemeanor and fined not less than $100.00 and not more than $1,000.00, or imprisoned for not less than 30 days nor more than 6 months, or both.

Section 10. *Appeals.* Any person aggrieved by an order of the Board denying, suspending or revoking his license may appeal to the Franklin Circuit Court within 30 days after entry of said order, for appropriate relief. On such appeal, the scope of review shall be limited to an examination of the record of the Board's action for the purpose of determining whether the Board abused its discretion. It shall be the duty of the appellant to furnish the Court with a properly certified transcript of any evidence heard by the Board, and the Court may refuse to review any findings of fact made by the Board unless such a transcript is filed within 60 days after the filing of the appeal.

Section 11. *Short Title of This Act.* This Act may be cited as the "Physical Therapy Practice Act."

Amend printed copy of **HB 144** on page 2, section 2, lines 1 through 11 to read as follows:

Section 2. *Use of Certain Words Prohibited.*

(a) No person shall hold himself out as a Physical Therapist or in any manner represent himself as a Physical Therapist in this State unless he is the holder of a valid and unrevoked license issued by the State Board of Physical Therapy. Provided, however, that nothing contained in this Act shall apply to the practice of chiropractic or prohibit any person licensed in this State according to law, from carrying out the therapy or practice for which he is duly licensed.

HB 13, AN ACT relating to aeronautics.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. (1) There shall be a Division of Civil Air Patrol in the Department of Aeronautics. The division shall consist of the Kentucky Wing of the Civil Air Patrol and such other units and personnel as are added by administrative order.

(2) The commanding officer of the Kentucky Wing of Civil Air Patrol shall be ex officio the director of the division.

Section 2. The division shall perform emergency disaster work within the Commonwealth in all instances in which aeronautical equipment and maneuvers might be of assistance in relieving the disaster, and shall engage in all manner of air search and rescue for which the Civil Air Patrol is fitted. The director may establish facilities for aeronautical education and training.

Section 3. The Commissioner of Aeronautics shall coordinate the activities of the division with the federal government and any of its agencies in all matters relating to aeronautical training and education, communications, rescue work, mercy missions, aerial observation, establishment of navigational aids, and other functions within the scope of activity of the Civil Air Patrol.

Section 4. No portion of monies appropriated for the purposes of this Act shall be expended for the payment of compensation to or the purchase of uniforms for any member of the Civil Air Patrol.

Section 5. There is appropriated out of the General Fund to the Department of Aeronautics for the purposes of this Act the sum of ten thousand dollars for the 1958-1959 fiscal year and the sum of ten thousand dollars for the 1959-1960 fiscal year.

Amend printed copy of **HB 13** on page 2, section 5, lines 1 through 4 by deleting all of Section 5 from the bill.

The Committee on Education reported **HB 243** with the expression of opinion that the same should pass with Committee amendment. Read at length for the first time and ordered placed in the Calendar.

HB 243, AN ACT relating to depositories for boards of education.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 160.570 of the Kentucky Revised Statutes is amended to read as follows:

(1) Each board of education shall appoint a bank or trust company as its depository. In counties having more than one bank the board shall designate as depository the bank which offers to pay the highest rate of interest on average daily or monthly balances, except when the board finds that it cannot by law designate that particular bank. Such finding and the reasons therefor shall be stated in full in the minutes of the meeting at which the finding was made.

(2) The depository selected shall before entering upon its duties, execute bond for the faithful performance of its duties, to be approved by the local board of education and the State Board of Education. The bond shall be guaranteed by at least five solvent personal sureties whose solvency must exceed the amount of the bond, or by a surety company authorized to do business in this state, or through the execution of a collateral bond consistent with the general banking laws of the state and bonding laws applying to the safeguarding of state funds. The penal sum of the depository bond shall be determined by the board of education in accordance with the rules and regulations of the state board of education. A board of education may enter into an agreement with its depository whereby the premium on a bond guaranteed by a surety company may be paid either by the board or by the depository. If the board pays the premium, the depository shall allow the board not less than three percent interest on its average daily or average monthly balances. All depository bond forms shall be prepared by the Superintendent of Public Instruction and approved by the State Board of Education.

(3) The depository shall hold for the board all funds deposited by the treasurer of the board or its tax collector or duly authorized agent, subject to withdrawal by the board at any time, and shall pay all funds so deposited to such person and in such manner as the board directs. The depository shall keep full and complete accounts of all the board's funds, and make reports to the board or its authorized agents upon request. The depository shall keep all records relating

to the transactions and duties of the office and turn them over to the successor of its office along with all school funds in hand. The board of education may at any time require a due and proper audit of the depository's records of the funds of the board by a competent outside agent.

(4) A board of education may designate as its depository the authorized and bonded depository of the governing authority of the territory which the school district embraces. In such cases, the bond of the depository shall be made to cover specifically the safekeeping of the school board's funds, and all conditions set out in this Section shall be carried out.

Amend printed copy of **HB 243** on page 1, section 1, line 4 by striking out the word "counties" and inserting in lieu thereof the words "school districts"

Also on page 1, section 1, line 5, by inserting the words "or banks" following the word "bank" and preceding the word "which"

Also on page 1, section 1, line 6, by changing the first word from "offers" to "offer"

Also on page 1, section 1, line 8, by striking out the words "that particular bank" and inserting in lieu thereof the words "such bank or banks".

Also on page 2, section 2, lines 25, 26 and 27, by striking out the entire sentence "If the board pays the premium, the depository shall allow the board not less than three percent interest on its average daily or average monthly balances."

The Committee on Public Utilities reported **HB 166** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 166, AN ACT relating to the possession and use of radio equipment.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 432.570 of the Kentucky Revised Statutes is amended to read as follows:

Section 1. No person except a peace officer shall use, or possess any mobile radio set or apparatus capable of receiving or transmitting radio or other messages or signals within the wave length or channel allocated by the federal government for the purpose of police radios, or which in any way intercept or interfere with the transmission of radio messages by any peace officers. No vehicle, other than one designated as an official police car by the city council, board of aldermen, or other municipal legislative body of a city, or a car, automobile or other vehicle publicly owned and entitled to and bearing an official license plate issued by the state, shall be equipped with such sets or apparatus even though said car is owned by an officer. However, the provisions of this statute shall not apply to any automobile or other vehicle owned or operated by any operating public utility company and, in the event a license is required, that same be secured from the Federal Communications Commission or other federal agency having the authority to issue such licenses.

Section 2. All equipment used in violation of this statute shall be seized and held for evidence, and upon conviction of the person using such equipment, the trial court shall order it destroyed, forfeited, or escheated to the Commonwealth of Kentucky, or to any county, city or town within which such court sits.

Section 3. Any person violating the provisions of this Act shall be fined not less than fifty dollars nor more than five hundred dollars, or imprisoned not more than twelve months, or both.

The Committee on Labor and Industry reported **HB 159, HB 160, HB 79** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 159, AN ACT relating to industrial safety.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 338.020 of the Kentucky Revised Statutes is amended to read as follows:

In the Department of Industrial Relations there shall be a Kentucky Industrial Safety Board consisting of the commissioner, six members representing industry and six members representing labor. The members representing industry and labor shall be appointed by the Governor for terms of three years and until their successors are appointed and qualified, from lists of nominees submitted by bona fide associations representative of industry and labor. Members shall receive no salary but shall be reimbursed for actual expenses incurred in carrying out their duties. The commissioner shall act as chairman of the board.

Section 2. Members holding appointments prior to the effective date of this amendment shall be eligible to serve full terms from the date of their original appointments.

HB 160, AN ACT relating to safety and health of employes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 338.010 of the Kentucky Revised Statutes is amended to read as follows:

(1) As used in KRS 338.020 to 338.140, unless the context requires otherwise:

(a) "Commissioner" means the Commissioner of Industrial Relations; and

(b) "Department" means the Department of Industrial Relations.

(2) As used in KRS 338.020 to 338.060, unless the context requires otherwise:

(a) "Board" means Kentucky Industrial Safety Board;

(b) "Safe" and "safety" means such freedom from danger to the life and safety of employes as the nature and place of employment reasonably permit; and

(c) "Safety devices" and "safeguards" include any reasonable and practicable device which the nature of the employment reasonably permits in protecting the life or safety of the employe.

(3) KRS 338.020 to 338.060 shall not apply to employers and employes subject to the Federal Railway Labor Act, the Federal Safety Appliance Act, the Interstate Commerce Commission, or the Kentucky Public Service Commission, nor to places of employment subject to the jurisdiction of the Department of Mines and Minerals, nor to hospitals or charitable institutions, nor to employes of the United States Government, the government of the Commonwealth or its political subdivisions, nor to farming or work performed in homes and residences.

HB 79, AN ACT relating to state purchases giving preference to products of the Kentucky Industries for the Blind.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Where the products of the blind produced under the supervision and direction of the Kentucky Industries for the Blind meet the requirements of state offices, departments, institutions and agencies of the Commonwealth as to quality, quantity and price, such products shall have preference in all purchases by and for such state offices, departments, institutions and agencies. The price charged for the products shall, in no case, exceed the price quoted to other consumers. The Bureau of Rehabilitation Services in the Department of Education shall, from time to time, cause to be made available to the Division of Purchases, lists of the products of the Kentucky Industries of the Blind.

The Committee on Suffrage, Elections and Constitutional Amendments reported **HB 293, HB 150** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 293, AN ACT relating to political advertising.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. All written or printed circulars, advertisements, or other statements with reference to any candidate or group of candidates for nomination or election to any public office in this Commonwealth shall be signed by the writer thereof, or if the same purports to be issued by any committee, organization or other similar association, the same shall be signed with the names of at least two of the principal officers of such committee, organization, or association.

Section 2. Any person who violates any of the provisions of this Act shall be fined not less than fifty dollars nor more than five hundred dollars, or imprisoned in the county jail for not less than ten days nor more than thirty days, or both.

Section 3. In view of the fact that a primary election will be held on May 27, 1958, there is hereby declared to be an emergency and this Act shall become effective immediately upon being passed by the General Assembly and signed by the Governor.

HB 150, AN ACT relating to election precincts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 116.190 of the Kentucky Revised Statutes is amended to read as follows:

Whenever the public convenience or the public good requires it, the county court of any county may change the boundaries of any election precinct in the county, or divide any precinct into two or more precincts, or consolidate two or more precincts into one, but no change, division or consolidation shall be made within sixty days next preceding an election. No change, division or consolidation shall be valid unless due notice is given, at least one month before any election, by one publication in the newspaper published in the county that has the largest circulation therein, or by posters put up in four of the most public places in the precinct.

The Committee on Suffrage, Elections and Constitutional Amendments reported **HB 148** with the expression of opinion that the same should pass with Committee amendment. Read at length for the first time and ordered placed in the Calendar.

HB 148, AN ACT relating to voting machines.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 125.180 of the Kentucky Revised Statutes is amended to read as follows:

The provisions of the general election laws as to the number of voters to be contained in each election precinct shall not apply to precincts in which voting machines are used, and the county court, subject to the other provisions of the general election laws as to changing the boundaries of voting precincts, may change the boundaries of precincts or consolidate precincts so that a precinct in which a voting machine is to be used may contain any number of registered voters not exceeding eight hundred.

The Committee on Health and Welfare reported **HB 48** with the expression of opinion that the same should not pass.

The Committee on Public Utilities reported **HB 260** and **HB 128** with the expression of opinion that the same should not pass.

The Committee on Suffrage, Elections and Constitutional Amendments reported **HB 263** and **HB 138** with the expression of opinion that the same should not pass.

Calendar

SB 108, SB 107, HB 283, HB 284, HB 255, HR 41, HB 270 and **HB 82** taken from the Calendar and ordered read at length for the second time. Ordered placed in the Orders of the Day.

Orders of the Day

HB 25 taken from Orders of the Day. Representative Tanner moved that it be placed on passage. Agreed.

Representative Tanner moved to amend Amendment No. 1 to **HB 25** as follows:

"Amend printed copy of Amendment No. 1 to **HB 25** by striking the last three lines of Section 2 of the amendment."

Adopted.

Representative Tanner moved to amend **HB 25** as follows:

Amend printed copy of **HB 25** by deleting all after the enacting clause and inserting in lieu thereof:

Section 1. (1) Any person who takes merchandise offered for sale by any store or other mercantile establishment with the intention of converting the same to his own use without paying the purchase price therefor, shall be fined not more than three hundred dollars or imprisoned not more than six months for the first offense. For a second offense he shall be fined not more than five hundred dollars and imprisoned not more than six months, and for a third offense shall be imprisoned not less than one nor more than five years.

(2) Willful concealment of unpurchased merchandise of any store or other mercantile establishment on the premises of such store shall be prima facie evidence of concealment with the intention of converting same to personal use without paying the purchase price therefor.

Section 2. A peace officer, merchant or merchant's employee who has probable cause for believing that goods held for sale by the merchant have been unlawfully taken by a person, and that he can recover same by taking the person into custody, may, for the purpose of attempting to effect recovery, take the person into custody and detain him in a reasonable manner for a reasonable length of time. Such taking into custody and detention shall not render the peace officer, merchant or merchant's employee criminally or civilly liable for false arrest, false imprisonment or unlawful detention.

Adopted.

HB 25 as amended read for the third time.

On roll call, the vote was: Yeas, 67—Arnold, Bach, Barton, Baumgardner, Billington, Buchanan, Buckner, Burress, Bush, Casey, Chaudoin, Clore, Combs, E. E. Cook, Bill Cornett, P. W. Cornett, Cottengim, P. F. Davis, W. F. Davis, Duff, Everett, Ford, Greene, Gullette, Hahn, Hale, Haley, Hall, Hart, Hinkle, Hodges, Hopkins, Howard, Huddleston, Isler, H. N. Johnson, Kincer, Kingsbury, Kubale, Lovelace, McCallum, McGuire, McReynolds, Mackey, Moore, Newberry, Peace, Qualls, Ratcliffe, Rausch, Raybourne, Reed, Render, C. R. Reynolds, Richards, Searcy, Smith, Sowards, Stith, Tanner, Ed Thomas, S. R. Thomas, Wathen, Wells, Willen, Wilson, Wirsch; Nays, 10—Anderson, Breckinridge, Coffey, M. W. Cook, Crecelius, Ockerman, Parrish, Ray, Steiger, Walsh.

HB 25 was passed as amended and the title agreed to.

HB 24 taken from Orders of the Day. Representative Fitzpatrick moved that it be read for the third time by title only and placed on passage. Agreed.

Representative Searcy moved to amend **HB 24** as follows:

Amend printed copy of **HB 24** on page 1, line 11 by adding thereafter the following:

Section 118.450 of the Kentucky Revised Statutes is amended to read as follows:

(1) The printing and delivery of ballots and cards of instruction to voters shall, in city elections, be paid for by the city. In all other elections, the printing of the ballots and cards of instruction for the voters in each county, and the delivery of them to the several voting precincts, shall be paid for by the county.

(2) The cost of all elections held in any county shall be allowed by the fiscal court and paid by the county treasurer except as otherwise provided by law.

(3) When the cost of any election has been allowed by the fiscal court and paid by the county treasurer, as provided in this section or in any other section requiring the county to pay the cost of an election, the county treasurer shall certify the amount of such expenses, indicating each item of expense separately, together with a statement of the number of precincts in the county, the date and kind of election to

the Department of Finance. Upon receipt of such certification and upon being satisfied as to the correctness thereof, the Department of Finance shall issue its warrant upon the State Treasurer in favor of the county treasurer for one-half of the amount of such expenses but not exceeding, in any event an amount equal to thirty-five dollars for each precinct in the county. All sums paid under this section shall be in addition to any sum paid by the state for ballot paper in elections.

Adopted.

HB 24 as amended read for the third time.

On roll call, the vote was: Yeas, 16—Arnold, Bach, Barton, Chaudoin, Fitzpatrick, Haley, Henry, McGuire, Rayburn, Searcy, Steiger, Stith, Tanner, Ed Thomas, Walsh, Wirsch; Nays, 51—Bartley, Billington, Breckinridge, Brown, Buchanan, Buckner, Burke, Burress, Casey, Clore, Combs, E. E. Cook, M. W. Cook, Bill Cornett, P. W. Cornett, Crecelius, P. F. Davis, W. F. Davis, Dempsey, Duff, Ford, Greene, Gullette, Hahn, Hale, Hart, Hinkle, Hislope, Hodges, Hopkins, Howard, H. N. Johnson, Kincer, Lovelace, McCallum, Mackey, Moore, Ockerman, Parrish, Rausch, Ray, Raybourne, Reed, Render, Smith, Sowards, S. R. Thomas, Wells, Willen, Wilson, Young.

HB 24 was defeated.

Representative Breckinridge moved that the vote by which **HB 24** was defeated be reconsidered and said motion laid on the table. Agreed.

Representative Hinkle moved that **HB 169** and **HB 168** be passed, but that they retain their positions in Orders of the Day. Agreed.

Representative Render moved that **HB 76** be laid on the Clerk's desk. Agreed.

Action on **HB 29** deferred, with approval of the House, but retained position in Orders of the Day.

HB 32 taken from Orders of the Day. Representative Buchanan moved that it be read for the third time by title only and placed on passage. Agreed.

HB 32 read at length for the third time.

On roll call, the vote was: Yeas, 40—Anderson, Bach, Billington, Buchanan, Burke, Bush, Casey, Chaudoin, Coffey, Combs, M. W. Cook, Bill Cornett, P. W. Cornett, Cottengim, Crecelius, Duff, Fitzpatrick, Ford, Greene, Hahn, Haley, Hart, Hislope, Howard, H. N. Johnson, Kincer, Kingsbury, Mackey, Peace, Qualls, Ray, Raybourne, Rayburn, C. R. Reynolds, Richards, Smith, Steiger, Stith, Wells, Willen; Nays, 17—Arnold, Barton, E. E. Cook, P. F. Davis, W. F. Davis, Hale, Henry, Hopkins, Lovelace, McGuire, McReynolds, Ockerman, Parrish, Ratcliffe, Render, Searcy, Wirsch.

HB 32 was passed and the title agreed to.

HB 83 taken from Orders of the Day. Representative Everett moved that action be deferred, but that **HB 83** retain its position in Orders of the Day.

On roll call on deferring action, the vote was: Yeas, 41—Anderson, Billington, Brown, Buckner, Burress, Bush, Casey, Chaudoin, Clore, Coffey, Combs, Cottengim, W. F. Davis, Dempsey, Duff, Everett, Fitzpatrick, Hahn, Hale, Haley, Henry, Howard, Isler, Kincer, McReynolds, Newberry, Peace, Qualls, Ratcliffe, Raybourne, C. R. Reynolds, Richards, Sowards, Stith, Tinsley, Ed Thomas, S. R. Thomas, Weintraub, Willen, Wilson, Wirsch; Nays, 40—Arnold, Bach, Barton, Baumgardner, Breckinridge, Burke, M. W. Cook, Bill Cornett, Crecelius, P. F. Davis, Farmer, Ford, Greene, Hall, Hart, Hinkle, Hislope, Hopkins, Huddleston, Kingsbury, Lovelace, Lowman, McCallum, McGuire, Mackey, Moore, Ockerman, Parrish, Rausch, Ray, Raybourne, Render, Searcy, Smith, Steiger, Tanner, Walsh, Wathen, Wells, Young.

Motion adopted.

Representative Everett moved that the House adjourn until 10:00 a.m., February 20. Rejected.

HB 129 taken from Orders of the Day. Representative Everett moved that it be read for the third time by title only and placed on passage. Agreed.

Representative Wathen moved to amend **HB 129** as follows:

Amend printed copy of **HB 129** on page 1, section 1, line 7 by deleting the comma between the word "Surveyor" and the word "and"

HB 129 as amended read at length for the third time.

On roll call, the vote was: Yeas, 44—Arnold, Barton, Buckner, Burke, Burress, Casey, Chaudoin, Clore, Coffey, Combs, Crecelius, P. F. Davis, W. F. Davis, Farmer, Greene, Gullette, Hahn, Haley, Hinkle, Hopkins, Huston Johnson, Kincer, Lovelace, McCallum, McReynolds, Mackey, Moore, Newberry, Parrish, Ratcliffe, Ray, Raybourne, Reed, C. R. Reynolds, Richards, Searcy, Steiger, Stith, Tinsley, Ed Thomas, S. R. Thomas, Wells, Willen, Young; Nays, 15—Bach, Breckinridge, Brown, Bill Cornett, P. W. Cornett, Dempsey, Hale, Hall, Henry, Hodges, Howard, Lowman, Smith, Sowards, Wathen.

HB 129 was defeated.

Representative Wathen moved that the vote by which **HB 129** was defeated be reconsidered. Agreed.

Representative Wathen moved that **HB 129** be laid on the Clerk's desk. Agreed.

Introductions

The following Bills and Resolutions were introduced:

HB 387, by Representatives Hahn, Bush, Buchanan, Kubale, E. Thomas, Arnold, Hopkins, Williams, Steiger, Crecelius, Ockerman, Parrish, Gullette, Hinkle, Mackey, Wathen, Ratcliffe, Buckner, Stith, Rayburn, Dempsey, Young, W. F. Davis, Raybourne, Finney, AN ACT making a supplemental appropriation to the Department of Law, and providing for the expenditure thereof.

HB 388, by Representatives Huston Johnson, Billington, AN ACT relating to public accountants.

HB 389, by Representative Bill Cornett, AN ACT relating to teacher retirement.

HB 390, by Representative Bill Cornett, AN ACT relating to teachers' retirement.

HB 391, by Representative Bill Cornett, AN ACT relating to oil and gas.

HB 392, by Representative Combs, AN ACT relating to state employes retirement.

HB 393, by Representative Isler, AN ACT relating to juvenile court.

HB 394, by Representative Isler, AN ACT relating to parking meters in cities of the second class.

HB 395, by Representatives Billington, Raybourne, Willen, Anderson, Qualls, Dempsey, Wilson, Render, Hall, Coffey, Newberry, Bartley, Richards, AN ACT relating to alcoholic beverages.

HB 396, by Representatives Coffey, Sowards, Hislope, Duff, Willen, Hall, Peace, P. W. Cornett, Wilson, Bill Cornett, Newberry, Bush, Whitehead, Bartley, Brown, McReynolds, Combs, Crecelius, Richards, Stith, Hale, Hodges, Hahn, Howard, Buckner, AN ACT relating to teachers' retirement.

HB 397, by Representative Finney, AN ACT relating to maximum speed on limited access highways.

HB 398, by Representatives S. R. Thomas, Hinkle, Mackey, Haley, Parrish, Wells, Hale, AN ACT relating to domestic insurance companies.

HB 399, by Representative Henry, AN ACT relating to revision, codification and publication of city ordinances.

HB 400, by Representative Lovelace, AN ACT relating to occupational license taxes.

HB 401, by Representative Everett, AN ACT relating to compensation of state officers and employes.

HB 402, by Representatives Howard, Hislope, Billington, Peace, P. W. Cornett, Coffey, Willen, AN ACT relating to alcoholic beverage transactions in dry territory.

HB 403, by Representative Wathen, AN ACT relating to wills.

HB 404, by Representative Buchanan, AN ACT relating to insurance policies.

HB 405, by Representative Buchanan, AN ACT relating to insurance, and amending certain sections of Chapter 304 of the Kentucky Revised Statutes.

HB 406, by Representative Newberry, AN ACT relating to the production and sale of milk.

HB 407, by Representative M. W. Cook, AN ACT relating to the Department of Highways, amending KRS 176.020 and KRS 176.052.

HB 408, by Representatives Qualls, Hodges, AN ACT relating to a county tax for cemetery maintenance.

HB 409, by Representative Smith, AN ACT relating to the gift or bequest of dead bodies or parts thereof.

HB 410, by Representatives Billington, Lowman, Willen, Buchanan, AN ACT relating to local option elections.

HB 411, by Representative Fitzpatrick, AN ACT relating to juvenile court.

HB 412, by Representative Greene, AN ACT relating to utility gross receipts taxes.

HB 413, by Representatives Young, Ed Thomas, AN ACT permitting fiscal courts to provide liability and indemnity insurance for benefit of patients of county operated hospitals and prescribing certain policy conditions, and amending Section 67.186 of the Kentucky Revised Statutes.

HB 414, by Representative Everett, AN ACT appropriating money out of the General Expenditure Fund in the State Treasury for the purpose of paying certain claims which have been duly audited and approved according to law but which have not been paid because of the lapsing or insufficiency of former appropriations against which said claims were chargeable.

HB 415, by Representative Everett, AN ACT relating to the Kentucky Employees Retirement System.

HB 416, by Representative Everett, AN ACT relating to the sale of motor vehicles.

HB 417, by Representative Isler, AN ACT relating to school bus drivers.

HB 418, by Representative Isler, AN ACT relating to obscene literature.

HR 69, by Representative Everett, A RESOLUTION relating to opening of bids on Commonwealth of Kentucky General Obligation Highway Bond Issue.

Representative Everett moved that the House adjourn until 10:00 a.m., February 20. Agreed.

THURSDAY, FEBRUARY 20, 1958

THIRTY-SIXTH LEGISLATIVE DAY

The House was called to order by the Speaker, Mr. Weintraub.

Invocation by the Reverend Samuel Elmore Blackard, of the Church of the Ascension (Episcopal), of Frankfort.

The roll call showed all members present except Billington, Buchanan, Buckner, Burress, Duff, Farmer, Fields, Fitzpatrick, Gay, Isler, H. Nick Johnson, Huston Johnson, Lowman, Lyon, McCallum, Moore, Nunn, Peace, Reed, Russell Reynolds, Steiger, Williams.

Senate Message

Senate message announcing passage of **HR 65, HB 119** with Senate amendment, **SB 40, SB 42, SB 62, SB 136.**

Motions

Representative Chaudoin moved that absent members be granted leaves of absence. Agreed.

Reading of the Journal for February 19 dispensed with and same approved on motion of Representative Breckinridge.

Recess

Representative Everett moved that the House recess until 1:00 p.m. Agreed. At the appointed hour the Speaker resumed the Chair and called the House to order.

Representative Kubale moved that the House recess after dissolution of the Joint Session of the General Assembly for the purpose of inviting Dr. James Martin to explain **HB 83** to the House. Agreed.

Joint Session

The Speaker announced the arrival of Lieutenant Governor Harry Lee Waterfield and Members of the Senate, for the purpose of a Joint Session.

Lieutenant Governor Waterfield assumed the Chair.

Lieutenant Governor introduced Mr. S. R. Sapirie, Manager, Oak Ridge Operations, United States Atomic Energy Commission, Oak Ridge, Tennessee, who addressed the Joint Session.

Representative Everett moved that the Joint Session be dissolved. Agreed.

Speaker Weintraub resumed the Chair and announced that the House would be at ease to hear Dr. James Martin's comments on **HB 83.**

At the close of Dr. Martin's address and a period of inquiry by members of the House, Dr. Martin was excused, and the House resumed the order of business.

Representative Breckinridge moved that the House recess for ten minutes to invite the Attorney General to comment and answer questions on **HB 83.**

Representative Everett moved that the House adjourn until 10:00 a.m., February 21.

On demand of two representatives a roll call was taken on adjournment and the vote was: Yeas, 7—Bartley, Bush, Clore, Combs, W. F. Davis, Finney, Sowards; Nays, 65—Anderson, Arnold, Barton, Baumgardner, Billington, Breckinridge, Brown, Buckner, Burke, Burress, Casey, Chaudoin, E. E. Cook, M. W. Cook, Bill Cornett, P. W. Cornett, Cottengim, Crecelius, P. F. Davis, Dempsey, Duff, Everett, Ford, Greene, Gullette, Hahn, Hale, Haley, Hall, Hinkle, Hislope, Hopkins, Howard, Huddleston, Kingsbury, Lovelace, Lowman, McCallum, McGuire, Mackey, Moore, Newberry, Nunn, Ockerman, Parrish, Peace, Ratcliffe, Rausch, Ray, Raybourne, Rayburn, Render, Richards, Searcy, Smith, Steiger, Stith, Tanner, Walsh, Wells, Willen, Williams, Wilson, Wirsch, Young.

Motion rejected.

Senate Message

Senate message announcing passage of **SB 200, SB 119, SB 117, SB 115, SB 8.**

Recess

Representative Breckinridge moved to recess for ten minutes to contact the Attorney General for his comments on **HB 83**. Agreed. At the appointed hour, the Speaker resumed the Chair and called the House to order.

The Speaker introduced Attorney General Jo M. Ferguson, who gave his opinions on **HB 83** and answered questions of the House members.

The Attorney General was then excused and the House resumed the order of business.

Report of Committees

The Committee on Ways and Means reported **HB 311, HB 217, HB 308, HB 215, HB 208, HB 218, HB 310, HB 216, HB 306, HB 153, HB 309,** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 311, AN ACT relating to the Kentucky National Guard.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Except when in the service of the United States, officers and enlisted men, when employed in active state service, beginning with the day they assemble at their armories or other designated place until the day they return thereto and have been properly relieved, inclusive, fractional parts of a day counting as a full day, shall receive pay at the following daily rates:

DAILY RATES OF PAY AND ALLOWANCES OF COMMISSIONED OFFICERS, WARRANT OFFICERS AND ENLISTED MEMBERS OF THE KENTUCKY NATIONAL GUARD ON ACTIVE STATE SERVICE

GRADE TITLE	CUMULATIVE YEARS OF SERVICE															QUARTERS		
	Under 2	Over 2	Under 3	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18	Over 22	Over 26	Over 30	W/Out Dpndts	With Dpndts	
0-8 Maj General	32.11	32.11	32.11	34.06	34.06	34.06	34.06	34.06	34.06	34.06	34.06	34.06	34.06	34.06	35.88	4.56	5.70	
0-7 Brig General	26.68	26.68	26.68	28.34	28.34	28.34	28.34	28.34	28.34	28.34	28.34	28.34	28.34	30.16	32.24	4.56	5.70	
0-6 Colonel	19.76	19.76	19.76	21.06	21.06	21.06	21.06	21.06	21.06	21.06	28.84	23.92	24.96	26.00	27.04	3.99	4.56	
0-5 Lt Colonel	15.81	15.81	15.81	16.90	16.90	16.90	16.90	16.90	17.68	18.72	19.24	20.28	21.32	22.36	22.36	3.42	4.56	
0-4 Major	13.34	13.34	13.34	14.30	14.30	14.30	15.08	16.12	16.64	17.16	17.68	18.72	19.24	19.76	19.76	3.14	3.99	
0-3 Captain	10.87	10.87	10.87	11.70	12.48	13.52	14.04	14.56	15.08	15.60	16.12	16.64	17.16	17.16	17.16	2.85	3.42	
0-2 1st Lt	8.65	9.14	9.14	11.18	11.18	11.70	12.22	12.74	13.26	13.78	13.78	13.78	13.78	13.78	13.78	2.57	3.14	
0-1 2d Lt	7.41	7.90	7.90	9.88	9.88	10.40	10.92	11.44	11.44	12.48	12.48	12.48	12.48	12.48	12.48	2.28	2.85	
W-4 CWO	11.10	11.83	11.83	11.83	11.83	12.35	12.87	13.39	14.04	15.08	15.60	16.12	16.64	17.16	17.68	3.14	3.99	
W-3 CWO	10.09	10.79	10.79	10.79	10.79	11.05	11.31	11.57	11.96	12.48	12.74	13.52	14.27	14.79	15.31	2.85	3.42	
W-2 CWO	8.83	9.36	9.36	9.36	9.36	9.62	10.14	10.66	11.18	11.67	11.93	12.45	12.97	13.49	14.01	2.57	3.14	
W-1 WOJG	7.32	8.37	8.37	8.37	8.37	8.89	9.54	9.80	10.19	10.45	10.71	11.23	11.75	12.27	12.27	2.28	2.85	
																No Dep	1-2 Dep	Over 5 Dep
E-7 M/SGT	6.88	7.41	7.41	7.41	7.67	7.93	8.45	8.71	9.10	9.36	9.62	10.14	10.66	11.18	11.18	1.71	2.57	3.23
E-6 SFC or T/SGT	5.86	6.24	6.24	6.24	6.50	7.15	7.41	7.80	8.06	8.32	8.58	9.10	9.62	9.62	9.62	1.71	2.57	3.23
E-5 SGT or S/SGT	4.84	5.46	5.46	5.46	6.11	6.37	6.76	7.02	7.28	7.54	7.80	8.06	8.58	8.58	8.58	1.71	2.57	3.23
E-5 Cpl or A/1C	4.08	4.68	4.68	4.68	5.33	5.59	5.98	6.24	6.50	6.76	7.02	7.28	7.28	7.28	7.28	1.71	2.57	3.23
E-3 PFC or A/2C	3.31	3.90	3.90	3.90	4.42	4.68	4.94	5.20	5.33	5.46	5.46	5.46	5.46	5.46	5.46	1.71	2.57	3.23
E-2 PVT or A/3C	2.86	3.38	3.38	3.38	3.64	3.90	4.16	4.42	4.42	4.42	4.42	4.42	4.42	4.42	4.42	1.71	2.57	3.23
E-1 PVT or A/B	*2.77	3.29	3.29	3.29	3.55	3.55	3.55	3.55	3.55	3.55	3.55	3.55	3.55	3.55	3.55	1.71	2.57	3.23
E-1 PVT or A/B	2.60	(Under 4 Months)																

*(Over 4 Months)

NOTE: Subsistence—$1.60 for all officers.
Subsistence—$1.00 for all enlisted personnel.

INCENTIVE PAY FOR HAZARDOUS DUTY (Flying Pay)

GRADE TITLE	Under 2	Over 2	Under 3	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18
0-8 Major General			5.17	5.50 (Max.)								
0-7 Brig. General			5.00	5.33 (Max.)								
0-6 Colonel			6.67	7.17							7.33	8.17 (Max.)
0-5 Lt Colonel			6.33	6.83					7.00	7.50	7.67	8.17 (Max.)
0-4 Major			5.67	6.17			6.50	7.00	7.17	7.33	7.67	8.00 (Max.)
0-3 Captain			4.83	5.17	5.50	6.00	6.17	6.33	6.67	6.83 (Max.)		
0-2 1st Lieutenant	3.83	4.17		5.00		5.33	5.50	5.67	6.00	6.17 (Max.)		
0-1 2nd Lieutenant	3.33	3.50		4.50		4.67	4.83	5.17	5.33	5.67 (Max.)		
W-4 CWO	3.83	(Under 6)				4.00	4.17	4.50	4.83	5.17	5.33	5.50 (Max.)
W-3 CWO	3.67	3.83				4.00		4.17	4.50	4.67 (Max.)		
W-2 CWO	3.50	3.67				3.83	4.00	4.17	4.33	4.50 (Max.)		
W-1 Warrant Officer (JG)	3.33	3.50				3.67	4.00	4.17	4.33 (Max.)			
E-7 Master Sergeant	2.67	2.83				3.00	3.17	3.33	3.50 (Max.)			
E-6 SFC or T/SGT	2.33	2.50			2.67	2.83	3.00	3.17		3.33 (Max.)		
E-5 SGT or S/SGT	2.00	2.33			2.67		2.83	3.00	3.17 (Max.)			
E-4 CPL or A/1C	1.83	2.17			2.33	2.50	2.67 (Max.)					
E-3 PFC or A/2C	1.83	2.00 (Max.)										
E-2 PVT or A/3C	1.67	2.00 (Max.)										
E-1 PVT or A/B	1.67	1.83 (Max.)										

HB 217, AN ACT relating to facilities for caring for public assistance recipients.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 205.300 of the Kentucky Revised Statutes is amended to read as follows:

(1) Each private institution or public medical institution that accepts or has facilities available to public assistance recipients shall obtain a certificate of approval from the Department of Economic Security. Application for certificate of approval shall be on the form prescribed by the department. The department shall not issue a final certificate of approval for any institution until after such institution has satisfied the requirements of the Department of Safety or other state agencies authorized by law to inspect, approve or license such institutions.

(2) All such institutions shall make provisions for and comply with reasonable standards established by the department for fire protection and safety, plumbing and sanitation, lighting, heating and ventilation, living arrangements, diet and health facilities, and such other factors as may be necessary to promote the health and welfare of the residents cared for in such institutions.

(3) The department shall make, or cause to be made, an inspection of such institutions at least once each year and shall prescribe by regulation the manner and form of reports such institutions must file with the department and the records to be kept by such institutions.

(4) Where another state agency or authority is authorized by law to inspect, approve or license such institutions regarding any of the standards established by this section, the department may accept such inspections. Such other state agency or authority shall, at the request of the department, furnish to the department a report of its findings.

(5) Failure of any such institution to apply for a certificate of approval or to comply with reasonable standards shall be reported promptly to the proper law enforcement agency of the Commonwealth.

HB 308, AN ACT relating to the Department of Revenue.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Whenever it becomes necessary within the discretion of the Commissioner of Revenue to photostat, duplicate, publish or supply for the use and benefit of persons or agencies, other than agencies of state government, information contained in official records of the Department of Revenue, whose contents are not confidential according to law, the Department of Revenue is hereby authorized to photostat, duplicate or publish the said information and supply the same to the requesting person or agency. For such services the department may charge a fee which will be adequate to cover the expenses of photostating, duplicating or publishing such information and any expense incidental to supplying the same.

Section 2. All money received by the Department of Revenue, for supplying to persons or agencies other than state agencies information which is contained in the official files of the department, shall be promptly deposited with the State Treasurer in the same manner as provided by law for other deposits. The amount of money so deposited shall be treated as a reimbursement to the appropriation of the Department of Revenue from which the disbursements were made for expenses incurred in performing the services authorized by Section 1 of this Act.

HB 215, AN ACT relating to public assistance appeal board decisions.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 205.230 of the Kentucky Revised Statutes is amended to read as follows:

(1) The commissioner is authorized to appoint an appeal board for public assistance composed of the commissioner and two other members. The commissioner shall be chairman and he and one other member will constitute a quorum.

(2) Any applicant or recipient who is dissatisfied with the decision on his application or because of delayed action on his application for public assistance or because of the amount granted to him may appeal to the appeal board in the manner and form prescribed by regulation. On receipt of such an appeal the applicant or recipient shall be given reasonable notice and opportunity for a fair hearing. The applicant or recipient shall be promptly notified of the decision together with the reasons therefor.

(3) Within twenty days after such decision, any party aggrieved thereby may secure judicial review thereof by filing a petition for review against the commissioner in the Circuit Court of Franklin County. The petition shall state fully the grounds upon which review is sought, assign all errors relied on, and shall be verified by the petitioner.

(4) With his answer, the commissioner shall certify and file with the Court all documents and papers, and a transcript of all testimony taken in the matter, and orders made therein, together with the findings of fact and decision therein. If consented to by the petitioner, an abstract of any portion of the record may be certified by the commissioner in lieu of certifying such portion of the record in full.

(5) The Court in its review of such action shall hear the record as certified by the commissioner and no other evidence shall be received. The Court shall dispose of the cause in a summary manner, limiting its decision to a determination of whether or not:

(a) There was sufficient probative evidence to support the appeal board's order.

(b) The regulations upon which the order was based are reasonable.

(c) The appeal board acted arbitrarily, unlawfully, or in such a manner as to constitute an abuse of discretion.

(6) The Court shall enter judgment affirming, modifying or setting aside the order, or decision, or in its discretion remanding the cause to the appeal board for further proceedings in conformity with the direction of the Court.

HB 208, AN ACT to provide for the coverage of certain officers and employes of the state and local governments, the political subdivisions and agencies thereof, and interstate instrumentalities, and the dependents and survivors of such officers and employes, under the Old-Age and Survivors Insurance provisions of Title II of the Federal Social Security Act, as amended.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 61.420 of Kentucky Revised Statutes is amended to read as follows:

Definitions. For the purposes of KRS 61.410 to 61.500:

(1) The term "wages" means all remuneration for employment as defined herein, including the cash value of all remuneration paid in any medium other than cash, except that such terms shall not include that part of such remuneration which, even if it were for "employment" within the meaning of Federal Insurance Contributions Act, would not constitute "wages" within the meaning of that Act.

(2) The term "employment" means any service performed by an employe in the employ of the Commonwealth, a political subdivision, or an interstate instrumentality, for such employer, except (a) service of an emergency nature, (b) service which in the absence of an agreement entered into under KRS 61.410 to 61.500 would constitute "employment" as defined in the Social Security Act, or (c) service which under the Social Security Act may not be included in any agreement between the Commonwealth and Federal Security Administrator entered into under KRS 61.410 to 61.500; Provided, however, that service, the compensation for which is on a fee basis, may be excluded in any plan approved under KRS 61.410 to 61.500, and provided also, that service in any class or classes of positions, the exclusion of which is permitted under the Social Security Act, may be excluded in any plan approved under KRS 61.460.

(3) The term "employe," in addition to its usual meaning, includes both elective and appointive officers of the Commonwealth, political subdivisions, or interstate instrumentalities.

(4) The term "state agency" means the Division of Personnel Security in the Department of Economic Security.

(5) The term "Federal Security Administrator" includes any individual to whom the Federal Security Administrator has delegated any of his functions under the Social Security Act with respect to coverage under such act of employes of states and their political subdivisions.

(6) The term "political subdivision," in addition to counties, municipal corporations and school districts, includes instrumentalities of the Commonwealth, of one or more of its political subdivisions, or of the Commonwealth and one or more of its political subdivisions, and any other governmental unit thereof.

(7) The term "Social Security Act" means the Act of Congress approved August 14, 1935, Chapter 531, 49 Stat. 620, officially cited as the "Social Security Act," including regulations and requirements issued pursuant thereto, as such act has been and may from time to time be amended.

(8) The term "Federal Insurance Contributions Act" means subchapter A of Chapter 9 of the Federal Internal Revenue Code prior to enactment of the Federal Internal Revenue Code of 1954 and subchapter C of Chapter 21 of the Federal Internal Revenue Code of 1954 after enactment of same, as such act has been and may from time to time be amended.

(9) "Secretary of Health, Education and Welfare" includes any individual to whom the Secretary of Health, Education and Welfare has delegated any of his functions under the Social Security Act, with respect to coverage under this Act, and with respect to any action taken prior to April 11, 1953, includes the Federal Security Administrator and any individual to whom such Administrator has delegated such functions.

Section 2. Section 61.430 of Kentucky Revised Statutes is amended to read as follows:

Federal-State agreement; referendum in state colleges, conditions of. Consistent with the terms and conditions of KRS 61.410 to 61.490, the state agency, with the approval of the Governor, is hereby authorized to enter on behalf of the Commonwealth into an agreement with the Secretary of Health, Education and Welfare, for the purpose of extending the benefits of the Federal Old-Age and Survivors Insurance System to employes of the Commonwealth or any political subdivision thereof with respect to services specified in such agreement which constitute "employment" as defined in KRS 61.420. Such agreement may contain such provisions relating to coverage, benefits, contributions, effective date, modification and termination of the agreement, administration and other appropriate provisions as the state agency and Secretary of Health, Education and Welfare shall agree upon, but except as may be otherwise required by or under the Social Security Act as to the services to be covered, such agreements shall provide in effect that:

(1) Benefits will be provided for employes whose services are covered by the agreement, and their dependents and survivors, on the same basis as though such services constituted employment within the meaning of Title II of the Social Security Act;

(2) The state will pay to the Secretary of the Treasury, at such time or times as may be prescribed under the Social Security Act, contributions with respect to wages equal to the sum of taxes which would be imposed by Sections 1400 and 1410 of the Federal Insurance Contributions Act prior to enactment of the Federal Internal Revenue Code of 1954, and Sections 3101 and 3111 of the Federal Internal Revenue Code of 1954 after the enactment of this Code, if the services covered by the agreement constituted employment within the meaning of that Act;

(3) Such agreement or modification of such agreement shall be effective with respect to services performed after an effective date specified in the agreement or modification thereof, but in no case prior to January 1, 1955, for cases where such agreement or modification is agreed to prior to January 1, 1958; for cases where such agreement or modification is agreed to during the years of 1958 and 1959, the effective date specified in such agreement or modification shall not be earlier than January 1, 1956; and in no case prior to the first day of the calendar year in which such agreement or modification, as the case may be, is agreed to by the Secretary of Health, Education and Welfare and the Commonwealth, after December 31, 1959; provided, however, that in case of any agreement covering any state college made pursuant to Subsection (6) of this section, the effective date may be made retroactive to January 1, 1955, in the discretion of the agency concerned, and within the limits prescribed by the Federal Social Security Act, as amended;

(4) All services which constitute employment and are performed in the employ of the Commonwealth by employes of the Commonwealth shall be covered by the agreement;

(5) All services which (a) constitute employment, (b) are performed in the employ of a political subdivision of the state, and (c) are covered by a plan which is in conformity with the terms of the agreement and has been approved by the state agency under KRS 61.460, shall be covered by the agreement;

(6) (a) Such agreement or modification of such agreement, as permitted under the Social Security Act, shall include all services described in subsection (4) and performed by employes in positions covered by a retirement system at the various state colleges enu-

merated in KRS 164.290, with respect to which the Governor has issued a certificate to the Secretary of Health, Education and Welfare pursuant to this subsection;

(b) At the earliest practicable date after the effective date of this section, the Governor shall authorize referendums and designate agencies or individuals to respectively supervise their conduct in each state college in accordance with the requirements of Section 218 (d) (3) of the Social Security Act, and this subsection, on the question of whether or not the service in the positions, now covered by a public retirement system established by law, in the respective state colleges should be included under such agreement;

(c) The Governor, before authorizing a referendum, shall require that the state college in which it is to be conducted shall meet the following conditions:

Each referendum shall be by secret, written ballot on the question of whether or not service in positions now covered by a public retirement system in the state college shall be included under the agreement between the Governor and the Secretary of Health, Education and Welfare;

An opportunity to vote in such referendum shall be given and shall be limited to all eligible employes of the state college;

Not less than ninety days notice of such referendum shall be given to all such employes of the state college;

Such referendum shall be conducted under the supervision of an agency or individual designated by the Governor;

The proposal for coverage shall be approved only if a majority of the eligible employes of the state college vote in favor of including services in such positions under the agreement;

(d) Upon receiving satisfactory evidence that, with respect to any such referendum, the conditions specified in this subsection and Section 218 (d) (3) of the Social Security Act have been met, the Governor shall so certify to the Secretary of Health, Education and Welfare;

(7) For the purposes of this section, employes of each of the colleges enumerated in KRS 164.290 shall be considered a separate coverage group.

Section 3. Section 61.450 of the Kentucky Revised Statutes is amended to read as follows:

Contributions by state employes. (1) Every employe of the state whose services are covered by an agreement entered into under KRS 61.430 shall be required to pay for the period of such coverage, into the Contribution Fund established by KRS 61.470, contributions, with respect to wages received during the calendar years 1951 to 1953, both inclusive, equal to one and one-half per centum of such wages; with respect to wages received during the calendar years of

1954 to 1956, both inclusive, not to exceed two per centum of such wages; with respect to wages received during the calendar years 1957 to 1959, both inclusive, not to exceed two and one-fourth per centum of such wages; with respect to wages received during the calendar years 1960 to 1964, both inclusive, not to exceed two and three-fourths per centum of such wages; with respect to wages received during the calendar years 1965 to 1969, both inclusive, not to exceed three and one-fourth per centum of such wages; with respect to wages received during the calendar years 1970 to 1974, both inclusive, not to exceed three and three-fourths per centum of such wages and with respect to wages received after December 31, 1974, not to exceed four and one-fourth per centum of such wages. Such liability shall arise in consideration of the employe's retention in the service of the state, or his entry upon such service, after March 14, 1951.

(2) The contribution imposed by this section shall be collected by deducting the amount of the contribution from wages as and when paid, but failure to make such deduction shall not relieve the employe from liability for such contribution.

(3) If more or less than the correct amount of the contribution imposed by this section is paid or deducted with respect to any remuneration, proper adjustments, or refund if adjustment is impracticable, shall be made, without interest, in such manner and at such times as the state agency shall prescribe.

Section 4. Section 61.460 of the Kentucky Revised Statutes is amended to read as follows:

Plans for coverage of employes of political subdivisions.

(1) Each political subdivision of the state is hereby authorized to submit for approval by the state agency a plan for extending the benefits of Title II of the Social Security Act, in conformity with applicable provisions of such Act, to employes of such political subdivision. Each such plan and any amendment thereof shall be approved by the state agency if it finds that such plan, or such plan as amended, is in conformity with such requirements as are provided in regulations of the state agency, except that no such plan shall be approved unless:

(a) It is in conformity with the requirements of the Social Security Act and with the agreement entered into under KRS 61.430;

(b) It provides that all services which constitute employment and are performed in the employ of the political subdivision by employes thereof, shall be covered by the plan;

(c) It specifies the source or sources from which the funds necessary to make the payments required by paragraph (a) of Subsection (3) and by subsection (4) are expected to be derived and contains reasonable assurance that such sources will be adequate for such purpose;

(d) It provides for such methods of administration of the plan by the political subdivision as are found by the state agency to be necessary for the proper and efficient administration thereof;

(e) It provides that the political subdivisions will make such reports, in such form and containing such information, as the state agency may from time to time require, and will comply with such provisions as the state agency or the Federal Security Administrator may from time to time find necessary to assure the correctness and verifications of such reports; and

(f) It authorizes the state agency to terminate the plan in its entirety, in the discretion of the state agency, if it finds that there has been failure to comply substantially with any provision contained in such plan, such termination to take effect at the expiration of such notice and on such conditions as may be provided by regulations of the state agency, and as may be consistent with the provisions of the Social Security Act.

(2) The state agency shall not finally refuse to approve a plan submitted by a political subdivision under subsection (1), and shall not terminate an approved plan, without reasonable notice and opportunity for hearing to the political subdivision affected thereby.

(3) (a) Each political subdivision for which a plan has been approved under this section is authorized to, and shall, pay into the Contribution Fund, with respect to wages, at such time or times as the state agency may by regulation prescribe, contributions in the amounts and at the rates specified in the applicable agreement entered into by the state agency under KRS 61.430, and, furthermore, in anticipation of the due date of any payments of contributions required herein, is authorized to, and shall, make such advancements as the state agency, by regulation or contract, may require;

(b) Each political subdivision is authorized to, and shall, make such payments as are determined by the state agency to be necessary for the purpose of defraying the expenses incurred by the state agency in administering KRS 61.410 to 61.500 for the benefit of those employes covered under any plan approved under subsection (1) of this section, but in no event shall such amount be greater than five percent of the contributions required under paragraph (a) of this subsection. Such payments shall be made into the State Treasury and shall be credited to a separate trust and agency fund to be used by the state agency solely for the purpose stated herein;

(c) Each political subdivision required to make payments under paragraph (a) of this subsection is authorized, in consideration of the employe's retention in, or entry upon, employment after the effective date of KRS 61.410 to 61.500, to impose upon each of its employes, as to services which are covered by an approved plan, a contribution, with respect to wages received during the calendar years 1951 to 1953, both inclusive, equal to one and one-half per centum of such wages; with respect to wages received during the calendar years 1954 to 1956, both inclusive, not to exceed two per centum of such wages; with respect to wages received during the calendar years 1957 to 1959, both inclusive, not to exceed two and one-fourth per centum of such wages; with respect to wages received during the calendar years 1960 to 1964, both inclusive, not to exceed two and three-fourths per centum of such wages; with respect to wages received during the calendar years 1965 to 1969, both inclusive, not to exceed three and one-fourth per centum of such wages; with respect to wages received during the calendar years 1970 to 1974, both inclusive, not to exceed three and three-fourths per centum of such wages and with respect to wages received after December 31, 1974, not to exceed four and one-fourth per centum of such wages. Contributions so collected shall be paid into the Contribution Fund in partial discharge of the liability of such political subdivision under paragraph (a) of this subsection. Failure to deduct such contribution shall not relieve the employe or employer of liability therefor.

(4) Delinquent payments due under paragraph (a) of subsection (3), with interest at the rate of six per centum per annum, may be recovered by action in the Franklin Circuit Court against the political subdivision liable therefor, or may, at the request of the state agency, be deducted from any other moneys payable to such subdivision by any department or agency of the state.

HB 218, AN ACT relating to the recovery of public assistance moneys obtained through fraud.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) The Commissioner of Economic Security may adopt, amend, or rescind reasonable rules and regulations for the recovery of any public assistance payments made to any person who knowingly makes a false statement or representation of a material fact, or knowingly fails to disclose a material fact to the commissioner for the purpose of obtaining or increasing any such payment, either for himself or for any other person.

(2) If recovery cannot be obtained through administrative action, a civil action may be brought in the Franklin Circuit Court to recover any public assistance payments made to any person who knowingly makes a false statement or representation material fact, or knowingly fails to disclose a material fact to the commissioner for the purpose of obtaining or increasing any such payment, either for himself or for any other person.

HB 310, AN ACT relating to alcoholic beverages.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Kentucky Revised Statute 243.480 is amended to read as follows:

(1) Upon the proceedings for the revocation of any license under KRS 243.520, the Alcoholic Beverage Control Board, or the local alco-

holic beverage administrator, may in its or his discretion, as the case may be, order a suspension of the license for any cause for which it may, but is not required to, revoke the license under the provisions of KRS 243.490 and 243.500; provided, however, the licensee may have the alternative, subject to the approval of the Alcoholic Beverage Control Board or the local alcoholic beverage administrator, to pay in lieu of part or all of the days of any suspension period, a sum as follows: Distillers, rectifiers, vintners, brewers and blenders, one thousand dollars per day; wholesale liquor licensees, four hundred dollars per day; wholesale beer licensees, one hundred dollars per day; retail drink liquor licensees, twenty-five dollars per day; retail package liquor licensees, twenty-five dollars per day; retail beer licensees, ten dollars per day; all remaining licensees, ten dollars per day.

(2) Payments in lieu of suspension collected by the Alcoholic Beverage Control Board shall be deposited in the State Treasury and credited to the General Expenditure Fund. Payments in lieu of suspension collected by local alcoholic beverage administrators shall be deposited and used as local alcoholic beverage license tax receipts are deposited and used.

(3) Appeals from orders of suspension and the procedure thereon shall be the same as are provided for orders of revocation in KRS 243.550 to 243.590.

HB 216, AN ACT relating to the support of indigent persons.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 387.281 of the Kentucky Revised Statutes is amended to read as follows:

The circuit and county courts shall have jurisdiction within their respective counties, without impanelling a jury, to appoint a special committee to receive funds from any state, federal, city or county agency, which disburses funds for the maintenance and support of indigent persons, for any person who is a resident of their respective counties, or for any person who is confined in any of the charitable institutions in their respective counties, except that no such special committee shall be appointed under this section to receive funds disbursed by the Commonwealth through the Division of Public Assistance or by the United States through the Veterans Administration, or the successors of those agencies.

HB 306, AN ACT relating to the Kentucky National Guard.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 38.010 of the Kentucky Revised Statutes is amended to read as follows:

As used in this chapter, unless the context requires otherwise:

(1) "Kentucky National Guard" includes the Army National Guard and Air National Guard;

(2) "Active Army National Guard and Active Air National Guard" includes those organizations, officers and enlisted personnel, both male and female, of the the federally recognized Kentucky National Guard authorized to receive federal pay, arms and equipment;

(3) "Inactive Army National Guard and Inactive Air National Guard" includes those organizations, officers and enlisted personnel, both male and female, of the Kentucky National Guard not entitled to receive Federal pay, arms and equipment;

(4) "Active state service" is:

(a) The ordering by the Governor of any unit or units of the Kentucky National Guard to enforce the laws of the Commonwealth; resist an actual or threatened invasion or insurrection; quell a riot or other domestic disturbance; or preserve and protect the rights, lives or property of citizens of the Commonwealth;

(b) Officers, warrant officers and enlisted personnel employed under orders of the Governor in making tours of inspection, mustering in or mustering out troops, making surveys of military property, sitting on courts-martial, summary courts, efficiency boards, courts of inquiry or boards of officers or performance of any other duty directed by the Governor or Department General;

(c) The participation of any unit or units of the Kentucky National Guard in gunnery competition or other training or military exercise anywhere within or without the United States.

(4) Words importing the masculine gender only shall extend to and be applied to females as well as males.

HB 153, AN ACT relating to alcoholic beverage control.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 243.105 of the Kentucky Revised Statutes is repealed and re-enacted to read as follows:

Section 1. Except as provided in Section 3, no wholesaler's license of the kind mentioned in KRS 243.030 and KRS 243.160 shall be issued to or held by any natural person who has not been an actual bona fide resident in this state for at least five years before the date on which the application for a license is made.

Section 2. Except as provided in Section 3, no wholesaler's license of the kind mentioned in KRS 243.030 and KRS 243.160 shall be issued to or held by any partnership, any member of which has not been an actual bona fide resident in this state for at least five years before the date on which the application for a license is made; and no such license shall be issued to or held by any corporation of which as much as twenty-five percent of the capital stock is owned by any person or persons who have not had an actual bona fide residence in this state for at least five years before the date on which the application for license is made, or owned by any corporation as much as seventy-five percent of the capital stock of which is not owned by individuals who have had an actual bona fide residence in this state for at least five years before the date on which the application for license is made.

Section 3. Any natural person or partnership holding such license on June 15, 1950, shall not, by reason of the provisions of this section, be ineligible to continue to hold such license, or obtain a renewal thereof; and any corporation holding such a license on June 15, 1950, shall not, by reason of the provisions of this section, be ineligible to continue to hold such license, or obtain a renewal thereof, so long as none of its capital stock is thereafter transferred to a person or persons, other than the heirs of a stockholder, not having an actual bona fide residence in this state for at least five years before the date of such transfer, or transferred to a corporation as much as seventy-five percent of the capital stock of which is not owned as aforesaid. If, upon the death of a stockholder of a corporation holding such a license, some, or all, of its stock passes to persons, other than the heirs of the stockholder, who have not had an actual bona fide residence in this state for at least five years before the date upon which the stock passed to them, and, as a result, as much as seventy-five percent of the capital stock of such corporation does not continue to be owned by persons, other than the heirs of the stockholder, who have had an actual bona fide residence in this state for at least five years before the last date on which such stock passed, the corporation may, nevertheless, continue to hold its license and do business thereunder for the remainder of the term for which the license was issued and for one renewal period of such license.

HB 309, AN ACT relating to revenue and taxation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Kentucky Revised Statute 132.290 is amended to read as follows:

(1) Any property which has not been listed for taxation, for any year in which it is taxable, by the time the board of supervisors completes its work for that year shall be deemed omitted property.

(2) All omitted property shall be assessed retroactively in the manner provided by law at any time within five years from the date when it became omitted, but the lien thereby accruing on any such property, except real property, shall not prejudice the rights of bona fide purchasers acquired in the meantime.

(3) All omitted property voluntarily listed shall be subject to

a penalty of ten percent of the amount of taxes, and interest at one-half of one percent per month or fraction thereof from the date when the taxes would have become delinquent had the property been listed as required by law, until the date the tax bill is prepared in accordance with KRS 133.230.

(4) All omitted property not voluntarily listed shall be subject to a penalty of twenty percent of the amount of taxes, and interest at one-half of one percent per month or fraction thereof from the date when the taxes would have become delinquent had the property been listed as required by law, until the date the tax bill is prepared in accordance with KRS 133.230.

(5) When the property is assessed retroactively by action prosecuted in the manner provided by KRS 132.330 and 132.340, an additional penalty of twenty percent of the amount of the original tax, interest and penalty shall be collected for the purpose provided in KRS 134.400 and paid into the State Treasury. All other penalties and interest shall be distributed in the same manner as the tax.

Section 2. Kentucky Revised Statute 132.360 is amended to read as follows:

(1) Any assessment of accounts receivable, notes, stocks or bonds or other intangible property that were listed with the county tax commissioner may be reopened by the Department of Revenue within five years after the date as of which they were assessed, unless the assessed value thereof is the face value in the case of accounts receivable and notes or the quoted value in the case of stocks and bonds, or has been established by a court of competent jurisdiction. If upon reopening the assessment the department finds that the assessment was less than the fair cash value and should be increased, it shall give notice thereof to the taxpayer, who may within thirty days thereafter protest to the department and offer evidence to show that no increase should be made. After the department has disposed of the protest, the taxpayer may appeal from any such additional assessment as provided by KRS 131.110 and 131.120.

(2) Upon such assessment becoming final the department shall certify the amount due to the taxpayer. The tax bill shall be handled and collected as an omitted tax bill, and the additional tax shall be subject to the same penalties and interest as the tax on omitted property voluntarily listed.

Section 3. Kentucky Revised Statute 133.040 is amended to read as follows:

The county tax commissioner shall complete the tax roll of all property in his county before the first Monday in May of each year in accordance with law, and on or before that date he shall file with the Department of Revenue, on blanks to be forwarded by the department, a recapitulation of all property assessed on said tax roll with his official certificate attached thereto. Such recapitulation shall show the assessment of property by types of property and by taxing districts. The tax commissioner shall file with the Department of Revenue at the same time the schedules containing a list of the intangible personal property. Within two weeks after receiving the recapitulation and schedules, the Department of Revenue shall direct the tax commissioner to make the changes that are necessary to correct the assessment. After the tax commissioner has made the necessary correction in assessment and records thereof, he shall return such intangible schedules to the Department of Revenue, and it shall preserve such schedules or a photographic facsimile thereof for a period of seven years from the assessment date.

The Committee on Ways and Means reported **HB 136** with the expression of opinion that the same should pass with committee amendment. Read at length for the first time and ordered placed in the Calendar.

HB 136, AN ACT relating to the tax on the production of crude petroleum.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 137.120 of the Kentucky Revised Statutes is amended to read as follows:

(1) Every producer of crude petroleum oil shall pay a tax for state purposes equal to ½ of 1% of the market value of all crude petroleum produced by him in this state.

(2) A producer of crude petroleum oil shall include any person owning an interest in crude petroleum oil produced in this state.

(3) Every County in which crude petroleum oil is produced shall impose a tax and the revenue derived therefrom shall be appropriated for such school purpose as the legislative body of the County shall by order direct. The said tax shall be at the rate of 1% of the market value of all crude petroleum produced in the County, and the Sheriff's fee for the collection of this tax shall be calculated in the same manner as the collection of taxes for County purposes.

(4) The taxes provided for by this section shall be imposed and attached when the crude petroleum is first transported from the tanks or other receptacle located at the place of production, and shall be imposed ratably upon all persons owning any interest in such oil.

(5) This act shall become effective as of July 1, 1958.

Amend printed copy of House Bill 136 on page 1, section (3), lines 10-14 by striking lines 10, 11, 12, 13 and 14 and substituting in lieu thereof the following:

"duced shall impose a tax of one percent of the market value of all crude petroleum produced in the county. In counties having a single school district, one-half of the amount collected from this tax shall be appropriated by the fiscal court for such school purpose as the court by order directs, and the other one-half of said tax shall be appropriated for such county road or school purpose as the court determines. In all other counties the fiscal court shall distribute the entire amount collected for such county or school purposes as it determines. The sheriff's fee for the collection"

The Committee on Agriculture and Conservation reported **HB 377, HB 338, HB 345** and **HB 369** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 377, AN ACT relating to forest fire protection.

WHEREAS, the timberlands of the Commonwealth, consisting of 11,500,000 acres out of a total area of 25,513,000 acres, with forest acreage in every county of the Commonwealth ranging from two to ninety-two percent, constitute one of its most valuable resources, furnishing raw products to approximately eleven hundred plants and mills in the state employing eighteen thousand persons with an annual payroll of $37,000,000, providing protection and habitat to wildlife resources and contributing more than any other factor to the success of water conservation and flood control programs;

WHEREAS, under the present law only forty-seven counties, representing 6,873,000, or approximately fifty-nine percent of the total timberland acreage, are participating in and receiving protection under the state voluntary cooperative fire protection plan; and under such law, during the last five years, 18,695 fires have occurred in non-participating counties as against seven thousand, eight hundred and sixty-five fires in participating counties;

WHEREAS, Kentucky ranks fourth in the states of the Union in number of individual timberland owners, there being 243,488 of such owners in the Commonwealth, and is the only state in region seven of the United States forest service consisting of fourteen states that does not have a state-wide forest fire control law; and

WHEREAS, forest fire prevention, detection and suppression is the concern of every county in the state and is necessary if the natural resources and general economy of the state is to be maintained;

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act, unless the context requires otherwise:

(1) "Director" means the Director of the Division of Forestry.
(2) "Division" means the Division of Forestry.

(3) "Timberland" means any land which has enough timber or woody brush, standing or down, to constitute a fire menace to itself or adjoining lands, but does not include lands under cultivation or entirely in grass, nor land that is an isolated fire risk unless a fire on it would imperil the lands of an adjoining landowner.

Section 2. (1) It shall be the duty of the division to establish and maintain a state-wide system of forest-fire prevention, detection and suppression.

(2) The division shall formulate a plan and program subject to the approval of the Commissioner of Conservation to extend forest fire protection to all counties not now participating in the state program. The plan shall provide for the establishment of such protection in all the counties of the state on or before January 1, 1964.

Section 3. (1) Each county receiving state forest fire protection on the effective date of this Act shall repay into the division until January 1, 1959, any amounts expended in the proceeding month by the division in such county for forest fire protection, not exceeding in any one year an amount equivalent to two cents per acre of privately owned timberlands in the county, according to the United States Forest Reappraisal Study of 1945 subject to additions and deductions of acreage since the making of such study.

(2) When facilities and trained personnel are available the director may give written notice to the county judge of any county not now participating in the state protection program that such services are available for establishment. Such notice shall be given at least sixty days before January 1 of the year in which the program is to be established.

Section 4. (1) After January 1, 1959, all counties receiving state forest fire protection and all counties having received notice of the intended establishment of such service shall annually pay to the division a sum equivalent to two cents per acre of privately owned timberlands according to the United States Forest Reappraisal Study of 1948-1952, subject to additions and deductions of acreage since the making of such study. Such payments shall be due and payable on September 15 following the assessment.

(2) Contributions may be met out of the general funds of the county and in addition the fiscal court may require each owner of timberland in the county to participate directly by paying into a special county forest fire protection fund an assessment not exceeding three cents per year for each acre of timberland of which he is the owner.

(3) In any case in which the division and the governing body of any county cannot agree upon the additions or deductions to privately owned forest acreage in a particular county, or to changes in forest acreage from year to year, the question shall be submitted to

the judge of the circuit court of the county by a summary and informal proceeding, in term or vacation, and a decision of the judge, certified to the governing body and to the division respectively, shall be conclusive and final.

Section 5. (1) If the county governing body requires the owners to participate, it shall determine the amount of the assessment for each acre, and shall order the assessment to be paid into the county treasury by the owners of all timberland located in the county.

(2) It shall be the duty of each owner of timberland situated in the county to list or have listed such property with the county tax commissioner within the time provided for assessing property for state and county ad valorem taxes.

(3) Timberland shall be listed by the owner of the first freehold estate therein, and it shall be listed without reference to conflicting title. The listing shall be made at the same time and in the same manner in which declarations of real property owned are made with the county tax commissioner for assessment purposes. If the owner fails to list the timberland, the county tax commissioner shall list it. The county tax commissioner shall have the power to swear witnesses in order to ascertain the person in whose name to make the list.

(4) All persons in whose name the timberland acreage is properly listed shall remain bound for the assessment, notwithstanding they may have sold or parted with it.

Section 6. The county tax commissioner shall include on the regular property tax roll an accurate record of the acreage of timberland listed in the name of each owner in the county.

Section 7. (1) When the property tax rolls are delivered to the county clerk by the county tax commissioner, as required by law, the county clerk shall compute the assessment due the county from each owner of timberland in accordance with the rate fixed by the county governing body and the amount of timberland acreage indicated on the property tax roll.

(2) The computation shall be made on the regular tax bills in such manner as may be directed by regulation of the Department of Revenue.

(3) The county clerk shall deliver these bills to the sheriff for collection as provided in KRS 133.220 (3).

Section 8. (1) The sheriff shall collect the assessment at the same time and in the same manner in which he collects the state and county ad valorem tax. He shall issue a receipt to the taxpayer, report to the county court, and make his annual and final settlements with the fiscal court at the same time and in the same manner provided by law for his report and settlement of county and state taxes.

(2) Such assessments shall become due and payable on the date,

and subject to the same discounts, delinquency date, and penalties provided in KRS 134.020 for state, county and district taxes.

Section 9. A separate fund shall be maintained by the county treasurer to be known as the county Forest Fire Protection Fund. The assessments collected from each timberland owner, together with penalties, shall constitute the fund and it shall be used only for making payments to the division in accordance with provisions of Section 4 hereof.

Section 10. (1) Any person aggrieved by a listing of any portion of his property as timberland by the county tax commissioner may file a protest with the county judge, provided the protest is in writing and is made within thirty days of receipt of notice of the listing. Protest may be made on the ground that the land or any portion so listed is not timberland, or that the timberland so listed will not be benefited by the forest fire protective system then in effect, or benefited by the proposed forest fire protective system if the assessment is being made for the first time in that county.

(2) The county judge shall hear all protests properly filed. Protests shall be heard within a reasonable time after the filing thereof, and reasonable notice shall be given to the protestant and the director of the division as to the time and place of the hearing. The county judge shall have authority to issue subponeas to compel the attendance of any witness desired by any interested party, and he shall be authorized to administer the oath to any witness.

(3) Proceedings for hearing any protest shall be summary and the findings of the county judge shall be final, and an order shall be entered either dismissing the protest or directing the proper county officials to alter their records in accordance with the findings.

Section 11. Sections 149.100, 149.110, 149.120, 149.135, 149.140, 149.150, 149.151, 149.152, 149.153, 149.154, 149.155, 149.156, 149.157, and 149.190 of the Kentucky Revised Statutes are repealed.

HB 338, AN ACT relating to conservation officers.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 150.090 of the Kentucky Revised Statutes is amended to read as follows:

(1) Conservation officers or any other persons appointed by the commissioner and all peace officers and their deputies shall enforce the provisions of this chapter and shall have the right to go upon the land of any person or persons whether private or public for the purpose of conducting research or investigation of game or fish or their habitat conditions or engage in restocking game or fish or in any type of work involved in or incident to game and fish restoration projects or

their enforcement or in the enforcement of laws or orders of the Department of Fish and Wildlife Resources relating to game or fish, while in the normal, lawful and peaceful pursuit of such investigation or work or enforcement, may enter upon, cross over, be upon, and remain upon privately owned lands for such purposes, and shall not be subject to arrest or trespass while so engaged or for such cause thereafter. They may arrest on sight, without warrant, any person detected by them in the act of violating any of the provisions of this chapter. They shall have the same rights as sheriffs to require aid in arresting with or without process any person found by them violating any of the provisions of this chapter and may seize without process anything declared by this chapter to be contraband. Conservation officers and other officers charged with the enforcement of the fish and game laws shall have the authority to arrest any person who is hunting or fishing on any property or who has been hunting or fishing on any property and who has been ordered by the owner or person in possession of the property to leave said property and has refused to do so. No liability shall be incurred by any person charged or directed in the enforcement of this chapter.

(2) Conservation officers and other officers charged with the enforcement of this chapter, shall have the authority to call for and inspect the license or badge of any person engaged in any activity for the performance of which a license is required under this chapter, and shall also have the authority to take proper identification of any person, or hunter, or fisherman who is actually engaged in any of these activities, and to call for and inspect any and all firearms being carried upon the person of any person so engaged.

(3) No person shall resist, obstruct, interfere with or threaten or attempt to intimidate or in any other manner interfere with any officer in the discharge of his duties under the provisions of this chapter.

HB 345, AN ACT relating to the Department of Agriculture, Labor and Statistics.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) The Department of Agriculture may accept Federal aid, or gift, donation or devise. The Department of Agriculture is authorized in its discretion to accept the provisions of any Act of Congress appropriating or apportioning funds to the state for use in connection with any program of the Department of Agriculture. The commissioner shall prescribe for the proper apportionment and distribution of these funds or commodities in accordance with the State and Federal laws.

(2) The Commissioner may enter into any agreement and carry out terms of such agreement with any department of the Federal government to handle funds, commodities or any devise under any program assigned to or handled by the Department of Agriculture.

HB 369, AN ACT relating to game and fish.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 150.175 of the Kentucky Revised Statutes is amended to read as follows:

The kinds of licenses and tags authorized by this chapter, and the acts authorized to be performed under such licenses and tags, subject to the other provisions of this chapter and subject to regulations adopted under this chapter, are as follows:

(1) A state-wide fishing license, which authorizes the holder thereof to take fish by angling, or take crawfish by a minnow seine, or by hand, to take minnows by the use of a minnow seine, or to take fish by grabbling, gigging, and by noodling or tickling, and to take frogs from any waters in any county of this state open for such purposes and subject to the limitations hereinafter set forth and such additional limitations as the department may from time to time prescribe;

(2) A ten-day fishing license which may be issued only to a nonresident and which authorizes the holder thereof to take fish by angline, grabbling, gigging and noodling or tickling from any of the waters of this state, including the Ohio River, for a period of ten consecutive days, beginning as of a day which shall be stated in the license when issued by the county clerk, and subject to all limitations hereinafter set forth and such further limitations as may be prescribed by regulation of the department from time to time;

(3) A commercial fishing license, which authorizes the holder thereof to perform any act authorized by a fishing license and to take fish from the streams of the state, but not above the last lock and dam up the stream, by the use of twine seines, twine hoop nets, or snag lines, provided that the holder of such license has first obtained a tag for each seine, hoop net and snag line. Such license shall also authorize the holder thereof to sell fish, other than those protected by this chapter, either at wholesale or retail;

(4) An Ohio River fishing license, which may be issued only to a citizen of Ohio, Indiana or Illinois, and which authorizes the holder thereof to take fish from the Ohio River only by any method authorized under a state-wide fishing license;

(5) An Ohio River commercial fishing license, which may be issued only to a citizen of Ohio, Indiana or Illinois, and which authorizes the holder thereof to exercise in the Ohio River only the same privileges that may be exercised under a commercial fishing license, as defined in subsection (3) of this section, provided that the holder of such license has first obtained a tag for each seine, hoop net and snag line;

(6) A seine tag, which may be issued only to a person holding a

commercial fishing license or an Ohio River commercial fishing license, and which authorizes the holder thereof to use, in taking fish from the waters of this state, or from the Ohio River only, as the case may be, one hundred feet of seine or part thereof. A separate tag shall be required for each one hundred feet of seine netting or part thereof;

(7) A hoop net tag, which may be issued only to a person holding a commercial fishing license or an Ohio River commercial fishing license, and which authorizes the holder thereof to use, in taking fish from the waters of this state, or from the Ohio River only, as the case may be, one hoop net. A separate tag shall be required for each hoop net;

(8) A snag line tag, which may be issued only to the holder of a commercial fishing license, or an Ohio River commercial fishing license, and which authorizes the holder thereof to use, in taking fish from the waters of this state, or from the Ohio River only, as the case may be, one snag line. A separate tag shall be required for each snag line;

(9) A live bait dealer's license, which may be issued only to a resident of this state and which authorizes the holder thereof to sell live bait to be used in angling;

(10) A musseling license, which authorizes the holder thereof to take mussels for commercial purposes from any shell bed;

(11) A state-wide hunting license, which authorizes the holder thereof to take or pursue wild animals except deer, bear or wild turkey in any open area of this state, with bow and arrow, gun, gun and dog, or dog; and to take wild birds with bow and arrow or with gun; and to participate in a fox hunting party engaged in the hunting or pursuing of foxes with dogs for sport; and to take frogs from any waters open for such purposes, but only in such manner as provided elsewhere in this chapter;

(12) A junior state-wide hunting license, which may be issued only to a resident of this state, before he has reached his or her sixteenth birthday, and which authorizes the holder thereof to exercise all the privileges authorized by a state-wide hunting license;

(13) A trapping license, which authorizes the holder thereof to take wild animals by trapping upon his own lands or upon the lands of another person. (Provided that the holder of such license shall have first obtained a written consent as provided in KRS 150.400 and 150.410);

(14) A taxidermist license, which authorizes the holder thereof to engage in the business of preparing, stuffing and mounting, in lifelike form, the skins of wild animals;

(15) A commercial guide's license, which may be issued only to a resident of this state, and which authorizes the holder thereof to receive payment or remuneration of any kind for services rendered as a guide for angling or hunting parties;

(16) A fur buyer's license, which may be issued only to a resident of this state, and which authorizes the holder thereof to buy raw furs from trappers and hunters and to sell raw furs so purchased as to a licensed fur processor;

(17) A fur processor's license, which may be issued only to a resident of this state and which authorizes the holder thereof to buy raw furs from a licensed fur buyer, for the purpose of processing, manufacture or retention in cold storage for resale to another licensed fur processor, to process or manufacture such raw furs, or hold them in cold storage, to sell such raw furs to or buy the same from another fur processor licensed in this state to sell raw furs to a licensed non-resident fur buyer, or to buy raw furs from a non-resident fur processor licensed in the state of his residence to deal in raw furs;

(18) A non-resident fur buyer's license, which authorizes the holder thereof to buy raw furs from persons legally having the same in their possession in this state and to transport or ship the same out of this state;

(19) Non-resident fishing license which authorizes the holder thereof to perform any act authorized by a resident state-wide fishing license;

(20) Non-resident hunting license which authorizes the holder thereof to perform any act authorized by a resident state-wide hunting license;

(21) A special license to non-residents for the purpose of hunting on licensed private hunting preserves. This license shall cost five dollars per year and is good only for the preserve for which it was issued and shall continue legal only for one year. These licenses shall be issued in ink by the preserve manager, and it becomes his responsibility to see that each hunter is properly licensed before going into the field. When the hunter owns either a non-resident or resident state-wide hunting license for the current year, the special license shall not be required. The commissioner, with the approval of the commission, shall have the authority to establish and regulate private shooting preserves;

(22) A big game permit, which, in combination with a valid state-wide hunting license or a valid junior state-wide hunting license, authorizes the holder thereof to take or pursue deer, bear or wild turkey, in any designated open area of this state, with long bow and arrow or gun, during the open season and according to the provisions of the laws and regulations governing such hunting.

Section 2. Section 150.190 of the Kentucky Revised Statutes is amended to read as follows:

(1) The commissioner may, with the approval of the commission, adopt the design of all licenses required by this chapter and make all regulations for their issuance. Licenses shall only be issued pur-

suant to a written application, on a form prescribed by the commissioners, subscribed and sworn to by the applicant and giving the following information: Sufficient general description of the applicant to identify him, his name, place of residence and house number. No person shall make a false statement or any false information in the application.

(2) Except as provided in subsection (3) and (4) of this Section, and in subsection (3) of KRS 150.220, all licenses and tags provided for in this chapter shall be issued by the county clerk. The clerk shall sign the licenses and shall require the persons to whom the licenses are issued to sign their name on the margin. The clerk shall keep a correct and complete copy of all licenses issued in a book to be furnished by the department, which records shall remain in his office and be open to inspection by the public during regular office hours. No county clerk shall knowingly make a false entry upon a license or upon a license record or report required by this chapter.

(3) Ohio River fishing licenses and Ohio River commercial fishing licenses, and seine netting, hoop net and snag line tags for holders of Ohio River commercial fishing licenses shall be issued by the department directly, or through such person, resident or non-resident, as may be designated by the commissioner as agent for that purpose.

(4) Commercial guide's licenses, fur buyer's licenses (both resident and non-resident) and fur processor's licenses shall be issued directly by the department. Any applicant for a commercial guide's license shall be required to present proof to the satisfaction of the commissioner, in accordance with such regulations as the commissioner may prescribe with the approval of the commission, that he is qualified to act as a commercial guide. Any applicant for a fur processor's license shall be required to present proof to the satisfaction of the commissioner, in accordance with such regulations as the commissioner may prescribe with the approval of the commission, that he has sufficient equipment and facilities to engage in the business of processing, manufacture and storage of raw furs.

(5) A live bait dealer's license, both resident and non-resident, shall be issued directly by the department, or through such persons resident or non-resident as may be designated by the commissioner as agent for that purpose.

Section 3. Section 150.220 of the Kentucky Revised Statutes is amended to read as follows:

(1) Except as otherwise provided in KRS 150.175 and 150.176 any of the licenses authorized by this Section may be issued either to a resident of this state or to a non-resident, but all licenses issued to non-residents shall bear the word "non-resident" in prominent letters, and fees shall be as respectively provided in this section.

(2) The fees for the licenses provided for in KRS 150.175 shall be as follows:

(a)	Fishing licenses	
	State-wide fishing license (resident)	$ 2.00
	State-wide fishing license (non-resident)	5.00
(b)	Ten-day fishing license	
	Non-resident only	2.00
(c)	Commercial fishing license	
	Resident	5.00
	Non-resident	25.00
(d)	Ohio River fishing license (residents of Ohio, Indiana and Illinois only)	2.00
(e)	Ohio River commercial fishing license	5.00
(f)	Seine tag for each one hundred feet of seine, netting or part thereof	
	Resident	2.00
	Non-resident (holder of Ohio River commercial fishing license)	2.00
	Other non-residents	4.00
(g)	Hoop net tag	
	Resident	1.00
	Non-resident (holder of Ohio River commercial fishing license)	1.00
	Other non-residents	2.00
(h)	Snag line tag	
	Resident	1.00
	Non-resident (holder of Ohio River commercial fishing license)	1.00
	Other non-residents	2.00
(i)	Live bait dealer's license (resident only)	5.00
(j)	Musseling License	
	Resident	10.00
	Non-resident	30.00
(k)	State-wide hunting license	
	Resident	3.00
	Non-resident	15.50
(l)	Junior state-wide hunting license (resident only)	1.00
(m)	Trapping license	
	Resident	3.00
	Non-resident	15.50
(n)	Taxidermist's license (resident only)	3.00
(o)	Commercial guide's license (resident only)	5.00
(p)	Fur buyer's license	
	Resident	5.00
	Non-resident	75.00
(q)	Fur processor's license (resident only)	100.00
(r)	Special yearly hunting preserve license	5.00
(s)	Non-resident live bait dealer's license	10.00

(t)	Big game permit	$ 5.00
(u)	License to establish private shooting preserve	25.00

Section 4. Section 150.450 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Department of Fish and Wildlife Resources shall promulgate reasonable regulations governing seining for minnows and crawfish in the public waters of the Commonwealth. The regulations shall prescribe the length, width, and size of mesh of the seines used, and shall prescribe the types of minnows and crawfish that may be taken and the purposes for which they may be used.

(2) Any person possessing a commercial fishing license may take rough fish, by the use of seines and nets the type, length, width, mesh size and other specifications of which shall be prescribed by the department by regulation, from the streams and waters of the Commonwealth.

(3) No person shall operate or have in possession any seines or nets or snag lines unless he has procured a commercial fishing license or an Ohio River commercial fishing license and a metal tag for the use or possession of each net or seine, and has complied with the provisions of this chapter. The metal tags shall be affixed to and displayed on the seines or nets or snag lines at all times. This section shall not be construed to require wholesale dealers or manufacturers to obtain licenses and tags for seines and nets in their possession for the purpose of sale outside of the state, or retail dealers, selling legal seines or legal nets.

The Committee on Banking and Insurance reported **SB 60, HB 95, HB 97, HB 100, HB 107, HB 98** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 60, AN ACT relating to holidays.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 2.110 of the Kentucky Revised Statutes is amended to read as follows:

(1) The 1st day of January (New Year's Day), the 19th day of January (Robert E. Lee Day), the 30th day of January (Franklin D. Roosevelt Day), the 12th day of February (Lincoln's Birthday), the 22nd day of February (Washington's Birthday), the 30th day of May (Memorial Day), the 3rd day of June (Confederate Memorial Day, and Jefferson Davis Day), the 4th day of July (Independence Day), the first Monday in September (Labor Day), the 12th day of October (Columbus Day), the 11th day of November (Veterans Day), the 25th day of December (Christmas Day) of each year, and all days appointed by the President of the United States or by the Governor as

days of thanksgiving, are holidays, on which all the public offices of this Commonwealth may be closed; and, subject to the provisions of paragraph 2 hereof, shall be considered as Sunday for all purposes regarding the presenting for payment or acceptance, and of protesting for and giving notice of the dishonor of bills of exchange, bank checks and promissory notes, placed by law upon the footing of bills of exchange. If any of the days named as holidays occur on Sunday, the next day thereafter shall be observed as a holiday but bills of exchange or other papers may be presented for payment or acceptance on the Saturday preceding the holiday and proceeded on accordingly.

(2) Any bank, trust company, or combined bank and trust company may, at its option, either close or remain open for business on the 19th day of January (Robert E. Lee Day), the 30th day of January (Franklin D. Roosevelt Day), the 12th day of February (Lincoln's Birthday), the 22nd day of February (Washington's Birthday), the 3rd day of June (Confederate Memorial Day, and Jefferson Davis Day), the 12th day of October (Columbus Day), and the 11th day of November (Veterans Day). Any bank, trust company, or combined bank and trust company electing to remain open on such of the above mentioned holidays may do so and as to such bank, trust company, or combined bank and trust company such day or days shall not constitute a holiday within the meaning of the provisions of the negotiable instrument law or any other law of the Commonwealth and such bank, trust company, or combined bank and trust company shall incur no liability by reason of remaining open on such holiday. If any such bank, trust company, or combined bank and trust company elects to close on such holiday, any act authorized, required or permitted to be performed at or by such bank, trust company, or combined bank and trust company, may be performed on the next succeeding business day and no liability or loss of rights of any kind shall result from remaining closed notwithstanding the provisions of any law of this Commonwealth to the contrary. The provisions of this section shall not operate to invalidate or prohibit the doing on any of the aforementioned legal holidays of any act by any person or bank or trust company, or combined bank and trust company, and nothing in this section shall, in any manner whatsoever affect the validity of or render void or voidable the payment, certification or acceptance of a check or any other negotiable instrument or any other transaction by any person or bank or trust company or combined bank and trust company because done or performed during any of the aforesaid holidays, notwithstanding the provisions of any other law of this Commonwealth to the contrary.

(3) No person shall be compelled to labor on the first Monday in September (Labor Day) by any person.

HB 95, AN ACT relating to insurance and amending KRS 304.512.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 304.512 of the Kentucky Revised Statutes is amended to read as follows:

Executive officers of domestic mutual insurers whose compensation is entirely by salary shall not be deemed agents of such insurer for the purposes of KRS 304.510 to 304.574 nor required to be licensed, although authorized by the insurer to sign or countersign insurance contracts and underwriting commitments in its behalf.

HB 97, AN ACT relating to insurance and amending KRS 304.103.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 304.103 of the Kentucky Revised Statutes is amended to read as follows:

The provisions of KRS 304.097, 304.099 and 304.101 shall not apply to title insurers, to reinsurance contracts between insurers, to life or disability insurances, or to insurance policies:

(1) Lawfully issued as a surplus line under KRS 304.580 to 304.598.

(2) Covering only the rolling stock, vessels, or aircraft of any common carrier in interstate or foreign commerce, or any vehicle principally garaged and used in another state.

(3) Covering only any property in course of transportation interstate or in foreign trade, or any liability or risk incident thereto.

(4) Covering only ocean marine risks and other risks exempted under this section.

(5) Of domestic mutual insurers, except policies written through independent agents compensated on a commission basis.

(6) Issued by domestic insurers which do not customarily permit their agents to countersign policies, if such policies are countersigned by an executive officer or other employe of the insurer whose compensation is entirely by salary.

HB 100, AN ACT relating to insurance and amending KRS 304.075.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 304.075 of the Kentucky Revised Statutes is amended to read as follows:

(1) In addition to the paid-up capital stock or surplus as required under KRS 304.071 and 304.073, newly formed domestic stock, reciprocal or Lloyd's insurers, newly formed domestic mutual insurers which qualify upon the basis of a deposit in lieu of applications and premiums collected as provided in KRS 304.150 to 304.194 and foreign and alien insurers which have been insurers for less than five years, shall possess, when first so authorized, bona fide surplus funds equal-

ing in amount not less than fifty percent of the capital stock or surplus otherwise required for the kind or kinds of insurance proposed to be transacted.

(2) No foreign or alien insurer shall be authorized to do business in this state until it shall have completed at least three years of successful operation in its domiciliary state, provided, however, the commissioner may in his discretion waive this requirement if he is satisfied after examination of the business and affairs of such insurer that its authorization to do business in this state would not be hazardous to its prospective policyholders and creditors in this state. The commissioner may require as a condition to such waiver that such insurer deposit with the Custodian of Insurance Securities, for the use and benefit of Kentucky policyholders and creditors, securities of the type permitted as an investment for domestic insurers under KRS 304.404, in such amount as he may in his discretion determine would adequately safeguard the rights of Kentucky policyholders and creditors. This deposit, if required, shall not exceed the amount of paid-up capital stock or surplus required by subsection (1) of this section.

HB 107, AN ACT relating to insurance and amending KRS 304.489 and KRS 304.503.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 304.489 of the Kentucky Revised Statutes is amended to read as follows:

(1) The commissioner shall designate at least one but not more than five banks or trust companies in each county of this state containing a city of the first class whose vaults shall be used as depositories for assets of insurers deposited under this code.

(2) Each insurer depositing assets shall, at its own expense, rent space therefor in the vaults of the banks or trust companies so designated.

Section 2. Section 304.503 of the Kentucky Revised Statutes is amended to read as follows:

(1) Insurers maintaining deposits of assets in this state under KRS 304.475 to 304.504 shall pay into the treasury of the Commonwealth, through the office of the commissioner of insurance, $10,000.00 each calendar year as a custodial expense fund. Such funds shall be used in paying the custodian's salary, premium on his bond and other necessary expenses incident to the office used by the custodian.

(2) The portion of such expense fund to be paid by each such insurer shall be in the same approximate proportion as the amount such insurer had on deposit on December 31 of the preceding year bears to the total such deposits of all insurers as of December 31 of the preceding year. The commissioner shall assess each insurer for his

proportionate share of such expense fund. All assessments shall be deposited with the State Treasurer, who shall credit the amount so deposited to the Custodian of Securities fund to be used for the maintenance of the office of the Custodian of Securities. If any amount of the fund for the maintenance of the office of the Custodian remains unexpended at the end of any fiscal year, that amount shall not lapse, but shall remain credited to the Custodian of Securities account and may be used during any succeeding year. The minimum charge for each company shall be $2.00.

HB 98, AN ACT relating to insurance and amending KRS 304.095.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 304.095 of the Kentucky Revised Statutes is amended to read as follows:

(1) Duplicate copies of legal process against an insurer for whom the commissioner is designated attorney shall be served upon him by any person competent to serve a summons. The person serving the process shall pay him at the time of service a fee as provided for under KRS 304.460 which shall be taxed as costs in this action. In the absence of the commissioner, process may be served on his deputy or any other authorized individual then in charge of the Department.

(2) The commissioner shall forthwith send one of the copies of the process by certified mail to the person designated for the purpose by the insurer in its most recent such designation filed with the commissioner or to the insurer at its last or principal office if no such designation is on file, and return the other copy to the plaintiff with his acknowledgment of service.

(3) The commissioner shall keep a record of the day and hour of service of all such legal process.

The Committee on Banking and Insurance reported **HB 117** with the expression of opinion that the same should pass with committee amendment. Read at length for the first time and ordered placed in the Calendar.

HB 117, AN ACT relating to workmen's compensation insurance, amending KRS 342.450.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 342.450 of the Kentucky Revised Statutes is amended to read as follows:

Every such insurance carrier shall make an annual return verified by its president or secretary, or other chief officials or agents, to the commissioner of insurance stating the amount of such premiums and credits during the period covered by that return. Every insurance carrier required to make such return shall file it with the Commissioner of Insurance on or before March 1 and shall pay into the State Treasury a tax of two dollars for each one hundred dollars, less returned premiums, including dividends paid or credited to policyholders and reinsurance received from other companies licensed to transact business in this state.

Section 2. This section shall become effective on January 1, 1960.

The Committee on Transportation and Highways reported **HB 174 and HB 267** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 174, AN ACT relating to motor vehicle operator licenses.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 186.410 of the Kentucky Revised Statutes is repealed and re-enacted to read as follows:

(1) Every person except those exempted by KRS 186.420 and KRS 186.430 shall before operating a motor vehicle upon a highway secure an operator's license as provided in this chapter.

(2) All original biennial, renewal and duplicate licenses for the operation of motor vehicles shall be issued by the Department of Public Safety. No such license shall be issued until the application therefor has been certified by the department.

Section 2. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) Every person seeking a license for operation of a motor vehicle shall apply in person to the circuit clerk of the county in which he resides and make application upon a form furnished by the department. The application shall contain the full name and signature, date of birth, sex, race, and present resident address of the applicant and briefly describe him. It shall also state whether the applicant has previously been licensed as an operator and if so, when and by what state or country, whether any license has ever been cancelled, suspended, revoked or refused, and if so, the date of and reason for the cancellation, suspension, revocation or refusal, and such other information as may be required.

(2) Every applicant shall make oath to the circuit clerk as to the truthfulness of the statements contained in the form.

(3) The clerk shall, after determining that the applicant has fully complied with the law governing applications, issue a temporary operator's license to be valid for not more than ninety days. Such temporary license shall be valid in lieu of the permanent license during the certification period and must be destroyed upon receipt of the permanent operator's license.

Section 3. A new section of Chapter 186 of the Kentucky Revised Statutes is created to read as follows:

Applications for renewal licenses shall be according to the following schedule:

(1) Persons whose family names begin with the letters "A" through "K" inclusive, shall before August 1, 1958, apply at the office of the circuit court clerk in the county in which he resides, and make application upon a form furnished by the department for a renewal license, which will expire on his birth month in the year 1960, and shall be renewed every two years during the applicant's birth month thereafter.

(2) Persons whose family names begin with the letters "L" through "Z" inclusive shall, before August 1, 1959, apply at the office of the circuit court clerk in the county in which he resides, and make application upon a form furnished by the department for a renewal license, which will expire on his birth month in the year 1961, and shall be renewed every two years during the applicant's birth month thereafter.

Section 4. Section 186.450 of the Kentucky Revised Statutes is amended to read as follows:

Any person who, except for his lack of instruction in operating a motor vehicle, would otherwise be qualified to obtain a permanent operator's license, may make application for and obtain an instruction permit, to be issued by the circuit court clerk in the county of the applicant's residence, and such permit shall be valid for not more than sixty days. The permit holder shall have this permit in his possession and be accompanied by a licensed operator occupying the seat beside the operator at all times while operating a motor vehicle upon the highway.

Section 5. Section 186.490 of the Kentucky Revised Statutes is amended to read as follows:

The circuit clerk of each county shall:

(1) Comply with all rules and regulations issued by the department under KRS 186.400 relating to his duties;

(2) Act for the department for the purpose of issuing temporary operator's licenses and instruction permits;

(3) Administer the oath required by KRS 186.460 to the applicant without fee;

(4) Report and remit each Monday to the Department of Revenue all moneys collected during the preceding week and remit a copy of all applications taken by him during the same period to the Department of Public Safety. Upon failure of any clerk to report and remit therefor more than seven days after the due date, he shall pay, in addition to the amount due, a penalty of ten percent of the amount due. Penalties collected under this section shall be paid into the State Treasury as a part of the revenue collected under KRS 186.410;

(5) Keep adequate records of all moneys collected and remitted to the department; and

(6) Keep in his office at all times available to the department a record of all temporary licenses issued in his county, all denials, cancellations, suspensions, revocations, or withdrawals of operator's licenses within his county and, to the extent that he is advised, of all other withdrawals of the privilege to operate a motor vehicle on the highways.

Section 6. Section 186.520 of the Kentucky Revised Statutes is amended to read as follows:

Any person whose license has been legitimately lost or destroyed, shall apply in person to the circuit court clerk in the county in which the most recent permanent license was obtained in order to make application for a duplicate license. He must furnish satisfactory proof by affidavit substantiating such loss or destruction when applying for such duplicate license.

Section 8. A new section of Chapter 186 of the Kentucky Revised Statutes is created to read as follows:

(1) The cost of operator's licenses and permits shall be as follows:

(a) The fee for an original or renewal license shall be two dollars;

(b) The fee for an instruction permit shall be fifty cents plus fifty cents for preparing and acknowledging such application; and

(c) The fee for a duplicate license shall be one dollar.

(2) The circuit clerk shall retain fees pertaining to applications and license fees in the following manner:

(a) Thirty-seven and one-half percent of any original and renewal licenses;

(b) Fifty cents for issuance of an instruction permit;

(c) Fifty cents for preparing and acknowledging an application for an instruction permit; and

(d) Seventy-five cents for preparing and acknowledging an application for a duplicate.

(3) The remainder of all fees, and other moneys collected by the circuit court clerk shall be forwarded to the Department of Revenue.

Section 9. There is appropriated out of the State Road Fund for the administration of this Act the sum of $229,150 for the fiscal year 1958-1959 and the sum of $109,350 for the fiscal year 1959-1960. Any funds remaining at the end of the fiscal year shall not lapse but shall be available for the succeeding fiscal year.

Section 10. Sections 186.455, 186.460 and 186.500 of the Kentucky Revised Statutes are repealed.

Section 11. Whereas, adequate time must be allowed motor vehicle operators to apply for licenses under the changed issuance procedures, an emergency is declared to exist, and this Act shall become effective upon its approval by the Governor.

HB 267, AN ACT relating to motor vehicles.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 186.600 of the Kentucky Revised Statutes is amended to read as follows:

No person under the age of eighteen shall drive a motor vehicle while it is in use as a school bus for the transportation of pupils to or from school, or a church bus for the transportation of children to or from church, or drive a motor vehicle while it is in use as a public passenger-carrying vehicle.

Section 2. Section 189.370 of the Kentucky Revised Statutes is amended to read as follows:

(1) Whenever any school bus or church bus used in the transportation of children is stopped upon a highway for the purpose of receiving or discharging passengers, the operator of a vehicle approaching from any direction shall bring his vehicle to a complete stop and shall not start up or attempt to pass until the bus has completed receiving or discharging passengers and has been put into motion.

(2) Subsection (1) shall be applicable only in the event the bus bears on the front and rear a plainly visible sign containing the words "School Bus" or "Church Bus," whichever is appropriate, in letters not less than six inches in height, which can be covered when the vehicle is not in use as a school or church bus.

Section 3. Section 189.380 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall turn a vehicle from a direct course upon a highway unless and until such movement can be made with reasonable safety, and only after a clearly audible signal has been given by sounding the horn if any pedestrian shall be affected by the movement. No person shall so turn any vehicle without giving an appropriate signal in the manner hereinafter provided in the event any other vehicle may be affected by such movement.

(2) A signal of the intention to turn right or left shall be given continuously for not less than the last one hundred feet traveled by the vehicle before turning.

(3) No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided herein to the operator of any vehicle immediately in the rear when there is opportunity to give such signal.

(4) All signals required herein shall be given either by means of the hand and arm or by a signal lamp or lamps or a mechanical signal device, except that the operator of a motor vehicle used for the transportation of persons for hire with taxicabs excluded, the operator of a school or church bus, and the operator of any vehicle so constructed or loaded that a hand and arm signal would not be visible both to the front and rear of such vehicle shall indicate an intention to turn by use of a signal lamp or lamps or mechanical signal device and must indicate an intention to stop or suddenly decrease speed by illuminating at least one red or yellow light with the word "Stop" on it on the rear of the vehicle.

(5) All signals herein required given by hand and arm shall be given from the left side of the vehicle in the following manner, and such signals shall indicate as follows:

(a) Left turn—hand and arm extended horizontally;
(b) Right turn—hand and arm extended upward;
(c) Stop or decrease speed—hand and arm extended downward.

Section 4. Section 189.550 of the Kentucky Revised Statutes is amended to read as follows:

Operators of motor vehicles transporting children to or from school or church shall stop their motor vehicles before crossing over any stream or electric interurban railroad main tracks at a grade. The stop shall be made at not less than ten feet nor more than thirty feet from the nearest railroad over which the highway crosses, except where the crossing is protected by gates or a flagman employed by the railroad. After making the stop, the operator shall carefully look in each direction for approaching cars or trains and shall not start his vehicle until it is ascertained that no cars or trains are approaching in either direction.

The Committee on Transportation and Highways reported **HB 78** and **SB 28** with the expression of opinion that the same should not pass.

Calendar

HB 96, HB 102, HB 103, HB 104, HB 105, HB 109, HB 187, HB 250, HB 147, SB 19, HB 64, HB 279, HB 7, HB 71, HB 142, HB 280, HB 287, HB 278, HB 288, HB 298, HB 303, HB 337, HB 320, HB 321, HB 341, HB 242, HB 276, HB 166, HB 243, HB 144, HB 13, HB 159, HB 160, HB 148, HB 293, HB 79, HB 150, read at length for the second time. Ordered placed in Orders of the Day.

Reference of Bills

Speaker Weintraub announced the referral of the following Bills:

Agriculture and Conservation: **HB 406.**

Appropriations and Revenues: **HB 387, HB 390, HB 396, HB 400, HB 401, HB 412, HB 414, HB 415, HB 416, SB 42, SB 141, SB 200.**

Banking and Insurance: **HB 398, HB 404, HB 405.**

Education: **HB 389, SB 40.**

Health and Welfare: **HB 409.**

Judiciary, Executive and Legislative Affairs: **HB 391, HB 393, HB 403, HB 411.**

Labor and Industry: **SB 136.**

Municipal and County Government: **HB 394, HB 395, HB 399, HB 402, HB 408, HB 410, HB 413, SB 8, SB 115, SB 117, SB 119.**

Transportation and Highways: **HB 397, HB 417, SB 62.**

Ways and Means: **HB 388, HB 392, HB 407, HB 418, SB 77.**

Communications

The Clerk of the House was asked to read a letter from the Public Service Commission concerning **HR 54,** stating that the Commission had ordered a public hearing for March 5, 1958, and any orders issued by the Commission subsequent to the hearing would be forwarded to the House.

Introductions

The following Bills and Resolutions were introduced:

HB 419, by Representatives Mackey, Ford, Ratcliffe, Searcy, Wells, AN ACT to submit to the voters of Kentucky a proposed amendment to Section 2 of the Constitution of Kentucky relating to individual rights and freedom of choice.

HB 420, by Representative Anderson, AN ACT relating to cities of the first class.

HB 421, by Representative Anderson, AN ACT relating to the conduct of certain businesses.

HB 422, by Representative Anderson, AN ACT relating to conduct of business.

HB 423, by Representative Billington, AN ACT relating to a tax on airlines.

HB 424, by Representatives Billington, P. F. Davis, Ratcliffe, Stith, Ford, AN ACT relating to the termite and pest control industry and amending sections 249.250, 249.260, 249.290, 249.300, 249.320, 249.340, and 249.990 and repealing section 249.280 of the Kentucky Revised Statutes.

HB 425, by Representative Everett, AN ACT relating to motor vehicle traffic regulations.

HB 426, by Representative Everett, AN ACT relating to the operation of school busses.

HB 427, by Representative Everett, AN ACT relating to motor vehicle operation.

HB 428, by Representative Weintraub, AN ACT relating to criminal appeals to circuit court.

HB 429, by Representative Weintraub, AN ACT relating to right of trial by jury in criminal cases in inferior courts.

HB 430, by Representative Weintraub, AN ACT relating to expense account for county attorney.

HB 431, by Representative Bush, AN ACT relating to weights, measures and millers' tolls.

HB 432, by Representative Young, AN ACT relating to the exercise of the right of eminent domain by companies authorized to construct or operate a railroad.

HB 433, by Representatives Hinkle, Rayburn, Combs, Clore, M. W. Cook, Mackey, Ratcliffe, AN ACT relating to the Department of Agriculture, Labor and Statistics.

Representative Ray moved the adoption of **HR 70.** Adopted.

HR 70, A RESOLUTION relating to adjournment of the House of Representatives.

WHEREAS, the Honorable Bruce Hoblitzel, Mayor of the City of Louisville, Kentucky, has issued a proclamation making Sunday, February 23rd, 1958, to be known as "Ray Baer Day" in the City of Louisville, Kentucky, and whereas plaques and awards will be presented by Central High School, St. Xavier High School, Du Pont Manual High School, as well as other awards by other persons and organizations for the great contributions which Ray Baer has made toward the molding of youths, not only making them good athletes, but aiding them into becoming good citizens.

Ray is remembered not only for his great coaching both at Du Pont Manual and St. Xavier High School, but also for his winning of a High School National Championship in 1938. Further, he was the organizer and director of the now famous Jefferson County playground and recreation programs; he was a leader in the integration in sports by having St. Xavier High School students and Central High School participate with them in sportsmanship.

The efforts of Ray Baer in aiding the youth of America are too extensive to be placed in a single resolution; he is well beloved by the parents of the young men with whom he has had contact in these various programs; regarding the youth of the state he is well known and a prominent figure as he has championed every cause for the youth of the nation; he is known to the public not only for his being an All American football player, but for his tireless and contributive work for the youth of Kentucky.

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

1. That when the House of Representatives adjourns on February 20, 1958, that it will adjourn in honor of Ray Baer; that it ad-

journs in the recognition of his numerous deeds for the youth of Kentucky.

2. That the Clerk is hereby directed to forward a copy of this Resolution to Mr. Ray Baer, and that copies be delivered to the press.

Orders of the Day

Representative Everett moved the adoption of **SR 48.** Adopted.

SR 48, A CONCURRENT RESOLUTION providing for the continuation by the Legislative Research Commission of the study of the Judicial Department of the Commonwealth.

WHEREAS, Senate Resolution No. 52 adopted by the General Assembly at the 1954 regular session directed the Legislative Research Commission to study the Judicial System of the Commonwealth; and,

WHEREAS, Senate Resolution No. 35 adopted by the General Assembly at the 1956 regular session, on recommendation of the Advisory Committee on the Judicial System appointed pursuant to Senate Resolution No. 52, directed the Legislative Research Commission to continue its study of the Judicial Department of the Commonwealth; and

WHEREAS, an Advisory Committee on the Judicial Department appointed pursuant to Senate Resolution No. 35 has made certain recommendations and published findings; and

WHEREAS, it appears from the Governor's message to the 1958 General Assembly, the report of the Advisory Committee on the Judicial Department to the Legislative Research Commission, the latter's transmittal thereof to the General Assembly, and from the report of the Judicial Council that additional concentrated study and further public presentation and discussion are needed to attain a more thorough general understanding of the problems found to exist, and to thereby more adequately assess and evaluate alternative approaches in order to select the most desirable and feasible solutions.

NOW, THEREFORE,

Be it resolved by the Senate of the Commonwealth of Kentucky, the House of Representatives concurring therein:

Section 1. That the Legislative Research Commission is authorized and directed to continue to make a careful and impartial study of the Judicial Department of the Commonwealth.

Section 2. That the Legislative Research Commission is authorized to encourage and utilize the advice and assistance of the Court of Appeals, the Judicial Council, the Kentucky State Bar Association, and the members of the Advisory Committee on the Judicial Department with such additional members thereof as the Chairman of the Legislative Research Commission may see fit to appoint.

Section 3. That the Legislative Research Commission shall report to the 1960 regular session of the General Assembly its findings and recommendations as to desirable and feasible statutory and constitutional alterations in the existing courts and judicial system of the Commonwealth.

HB 119 taken from Orders of the Day. Representative Everett moved that it be read for the third time by title only and placed on passage and that Senate amendment be concurred in. Agreed.

HB 119, with Senate amendment, read at length for the third time.

On roll call, the vote was: Yeas 81—Anderson, Arnold, Bach, Bartley, Barton, Baumgardner, Billington, Breckinridge, Brown, Buchanan, Buckner, Burke, Burress, Bush, Casey, Clore, Coffey, Combs, E. E. Cook, M. W. Cook, Bill Cornett, P. W. Cornett, Cottengim, Crecelius, P. F. Davis, W. F. Davis, Dempsey, Duff, Everett, Finney, Fitzpatrick, Ford, Gay, Greene, Gullette, Hahn, Hale, Hall, Hinkle, Hislope, Hodges, Hopkins, Howard, H. N. Johnson, Kincer, Kingsbury, Kubale, McCallum, McGuire, McReynolds, Mackey, Moore, Newberry, Nunn, Ockerman, Parrish, Peace, Qualls, Ratcliffe, Rausch, Ray, Raybourne, Rayburn, Render, C. R. Reynolds, Richards, Searcy, Smith, Sowards, Steiger, Stith, Tanner, Tinsley, S. R. Thomas, Walsh, Wells, Willen, Williams, Wilson, Wirsch, Young. Nays 0.

HB 119 was passed as amended and the title agreed to.

HB 83 taken from Orders of the Day. Representative Wells moved that it be read for the third time by title only and placed on passage. Agreed.

Recess

Representative Dempsey moved for a ten-minute recess to permit a Minority Party caucus. At the appointed hour the Speaker resumed the Chair and called the House to order.

Representative Searcy moved that **HB 83** be tabled.

On roll call, the vote was: Yeas 42—Anderson, Arnold, Bach, Barton, Baumgardner, Breckinridge, Burke, Casey, E. E. Cook, M. W. Cook, Bill Cornett, Crecelius, P. F. Davis, Ford, Greene, Hahn, Haley, Hall, Hinkle, Hislope, Hopkins, Huddleston, Kingsbury, Lovelace, Lowman, McCallum, McGuire, Mackey, Moore, Nunn, Ockerman, Parrish, Rausch, Ray, Raybourne, Searcy, Steiger, Tanner, Walsh, Wells, Williams, Young. Nays 43—Bartley, Billington, Brown, Buchanan, Buckner, Burress, Bush, Clore, Coffey, Combs, P. W. Cornett, Cottengim, W. F. Davis, Dempsey, Duff, Everett, Finney, Fitzpatrick, Gay, Gullette, Hale, Hodges, Howard, Johnson, Kincer, Kubale, McReynolds, Newberry, Peace, Qualls, Rayburn, Render, C. R. Reynolds, Richards, Smith, Sowards, Stith, E. Thomas, S. R. Thomas, Tinsley, Willen, Wirsch, Weintraub.

Motion rejected.

Representative Bartley moved to amend **HB** 83 as follows:

Amend printed copy of **HB** 83 on page 2, line 17. Delete the figure "$25,000" and insert in lieu thereof the figure "$12,000".

Adopted.

Representative Ockerman moved to amend **HB** 83 as follows:

Amend printed copy of **HB** 83 on pages 1 and 2 by striking all language after the enacting clause and substituting in lieu thereof the following:

Section 1. Section 177.020 of the Kentucky Revised Statutes is amended to read as follows:

(1) The state primary road system shall consist of such public roads within the state as the Department of Highways determines shall be constructed and maintained by the Department of Highways.

(2) The Department shall establish and publish standards for the construction or maintenance of any road or part of a road which is a part of the primary road system, and shall in its discretion, determine which public roads shall be constructed and maintained by it.

(3) The Department shall select the route for all primary roads and may deviate from any existing route whenever it deems such deviation proper.

(4) The construction and maintenance of all primary roads shall be under the direction and control of the Department.

Section 2. Section 177.320 of the Kentucky Revised Statutes is amended to read as follows:

Two-sevenths of all funds arising from the imposition of taxes provided by KRS 138.220 and required by the terms of said section to be set aside for the construction, reconstruction and maintenance of secondary and rural roads and for no other purposes, shall be expended for said purposes by the Department of Highways of the Commonwealth of Kentucky according to the terms and conditions prescribed in KRS 177.330 to 177.380, and according to the formula prescribed and set forth in KRS 179.410 provided, however, the Department may, in its discretion, withhold ten per cent of said funds from distribution, according to the provisions of KRS 179.410, to be used by the Department for the construction of roads in any of the counties, as is essential for the establishment of an integrated system of secondary and rural roads in the Commonwealth of Kentucky.

Section 3. Section 177.350 of the Kentucky Revised Statutes is amended to read as follows:

The Department of Highways shall establish and publish standards for the construction, reconstruction, maintenance and improvement of secondary and rural roads in the Commonwealth of Kentucky; to continue such studies, make such surveys, prepare such maps, employ such personnel and obtain such equipment as may be necessary for the establishment and maintenance of an integrated system of secondary and rural roads in the Commonwealth of Kentucky, subject to the provisions of KRS 176.120.

Section 4. Section 177.360 of the Kentucky Revised Statutes is repealed.

The Speaker ruled that Mr. Ockerman's amendment was out of order.

Representatives Ockerman and Breckinridge appealed the decision of the Chair on Amendment No. 2 to **HB 83.**

Representative Everett was asked to take the Chair.

On demand of the House a roll call was taken, and the vote was: Yeas 46—Bartley, Barton, Baumgardner, Billington, Brown, Buchanan, Buckner, Burress, Bush, Casey, Clore, Coffey, Combs, E. E. Cook, P. W. Cornett, Cottengim, W. F. Davis, Dempsey, Duff, Everett, Finney, Fitzpatrick, Ford, Gay, Gullette, Hale, Hodges, Howard, Kincer, Kubale, McReynolds, Newberry, Peace, Qualls, Rayburn, Render, C. R. Reynolds, Richards, Smith, Sowards, Stith, Tinsley, Ed Thomas, S. R. Thomas, Willen, Wirsch. Nays 33—Arnold, Bach, Breckinridge, Burke, M. W. Cook, Bill Cornett, Crecelius, P. F. Davis, Greene, Haley, Hall, Hinkle, Hislope, Hopkins, Huddleston, H. Nick Johnson, Kingsbury, Lovelace, Lowman, McCallum, McGuire, Mackey, Moore, Ockerman, Parrish, Ray, Raybourne, Searcy, Steiger, Tanner, Wells, Williams, Young.

The Chair was sustained.

The Speaker resumed the Chair.

Representative Howard moved to amend **HB 83** as follows:

Amend printed copy of **HB 83** on page 1, line 9 by inserting after the word "work" the words "and the estimated cost of the project is less than $10,000".

Amendment rejected.

Representative Howard moved to amend **HB 83** as follows:

Amend printed copy of **HB 83** on page 1-2, lines 13 and 14 by inserting after the word "expansion" the words "and the estimated cost of the project is less than $10,000".

Rejected.

Representative Howard moved to amend **HB 83** as follows:

Amend printed copy of **HB 83** on page 1, lines 10 and 11 by inserting after the word "necessary" the words "and the estimated cost of the project is less than $10,000".

Rejected.

Representative Huddleston moved to amend **HB 83** as follows:

Amend printed copy of **HB 83** on page 1, section 1, strike from the bill the following language, "Be it enacted by the General Assembly of the Commonwealth of Kentucky."

Representative Lowman moved to table Amendment No. 6.

On demand of the House a roll call on this motion was taken and the vote was: Yeas 42—Anderson, Arnold, Bach, Barton, Baumgardner, Breckinridge, Burke, Casey, M. W. Cook, Bill Cornett, Crecelius, P. F. Davis, Ford, Greene, Hahn, Haley, Hall, Hinkle, Hislope, Hopkins, Huddleston, Kincer, Kingsbury, Lovelace, Lowman, McCallum, McGuire, Mackey, Moore, Nunn, Ockerman, Parrish, Rausch, Ray, Raybourne, Searcy, Steiger, Tanner, Walsh, Wells, Williams, Young. Nays 43—Bartley, Billington, Brown, Buchanan, Buckner, Burress, Bush, Clore, Coffey, Combs, E. E. Cook, P. W. Cornett, Cottengim, W. F. Davis, Dempsey, Duff, Everett, Finney, Fitzpatrick, Gay, Gullette, Hale, Hodges, Howard, H. Nick Johnson, Kubale, McReynolds, Newberry, Peace, Qualls, Rayburn, Render, C. R. Reynolds, Richards, Smith, Sowards, Stith, E. Thomas, S. R. Thomas, Tinsley, Willen, Wirsch, Weintraub.

Motion lost.

Representative Tanner moved to adjourn. Rejected.

Representative Fitzpatrick moved the Previous Question on **HB 83.**

On roll call, the vote was: Yeas 43—Bartley, Billington, Brown, Buchanan, Buckner, Burress, Bush, Clore, Coffey, Combs, E. E. Cook, P. W. Cornett, Cottengim, W. F. Davis, Dempsey, Duff, Everett, Finney, Fitzpatrick, Gullette, Hale, Hodges, Howard, H. N. Johnson, Kincer, Kubale, McReynolds, Moore, Newberry, Peace, Qualls, Rayburn, Render, C. R. Reynolds, Richards, Smith, Sowards, Stith, Tinsley, Ed Thomas, S. R. Thomas, Willen, Wirsch. Nays 39—Arnold, Bach, Barton, Baumgardner, Breckinridge, Burke, Casey, M. W. Cook, Bill Cornett, Crecelius, P. F. Davis, Ford, Greene, Hahn, Haley, Hall, Hinkle, Hislope, Hopkins, Huddleston, Kingsbury, Lovelace, Lowman, McCallum, McGuire, Mackey, Nunn, Ockerman, Parrish, Rausch, Ray, Raybourne, Searcy, Steiger, Tanner, Walsh, Wells, Williams, Young.

Motion rejected.

On roll call to adopt Amendment No. 6 to **HB 83**, the vote was: Yeas 41—Anderson, Arnold, Bach, Barton, Baumgardner, Breckinridge, Burke, Casey, M. W. Cook, Bill Cornett, Crecelius, P. F. Davis, Ford, Greene, Hahn, Haley, Hall, Hinkle, Hislope, Hopkins, Huddleston, Kingsbury, Lovelace, Lowman, McCallum, McGuire, Mackey, Moore, Nunn, Ockerman, Parrish, Rausch, Ray, Raybourne, Searcy, Steiger, Tanner, Walsh, Wells, Williams, Young. Nays 44—Bartley, Billington, Brown, Buchanan, Buckner, Burress, Bush, Clore, Coffey, Combs, E. E. Cook, P. W. Cornett, Cottengim, W. F. Davis, Dempsey, Duff, Everett, Finney, Fitzpatrick, Gay, Gullette, Hale, Hodges, Howard, H. Nick Johnson, Kincer, Kubale, McReynolds, Newberry, Peace, Qualls, Rayburn, Render, C. R. Reynolds, Richards, Smith, Sowards, Stith, E. Thomas, S. R. Thomas, Tinsley, Willen, Wirsch, Weintraub.

Rejected.

Representative Tanner moved to adjourn until 10:00 a.m., February 21. Rejected.

Representative Rayburn moved that when the House adjourns it do so until 10:00 a.m., February 21. Agreed.

Representative Ockerman moved to amend **HB** 83 as follows:

Amend printed copy of **HB** 83 on pages 1 and 2, by striking lines 10 through 16.

Representative Lowman moved to table Amendment No. 7.

On roll call, to table Amendment No. 7, the vote was: Yeas 41—Anderson, Arnold, Bach, Barton, Baumgardner, Breckinridge, Burke, Casey, M. W. Cook, Bill Cornett, Crecelius, P. F. Davis, Ford, Greene, Hahn, Haley, Hall, Hinkle, Hislope, Hopkins, Huddleston, Kingsbury, Lovelace, Lowman, McCallum, McGuire, Mackey, Moore, Nunn, Ockerman, Parrish, Rausch, Ray, Raybourne, Searcy, Steiger, Tanner, Walsh, Wells, Williams, Young. Nays 42—Bartley, Billington, Brown, Buchanan, Buckner, Burress, Bush, Clore, Coffey, Combs, E. E. Cook, P. W. Cornett, Cottengim, Dempsey, Duff, Everett, Finney, Fitzpatrick, Gullette, Hale, Hodges, Howard, H. Nick Johnson, Kincer, Kubale, McReynolds, Newberry, Peace, Qualls, Rayburn, Render, C. R. Reynolds, Richards, Smith, Sowards, Stith, Ed Thomas, S. R. Thomas, Tinsley, Willen, Wirsch, Weintraub.

Motion rejected.

Amendment No. 7 rejected by voice vote.

HB 83 as amended read at length for the third time.

On roll call, the vote was: Yeas 43—Bartley, Billington, Brown, Buchanan, Buckner, Burress, Bush, Clore, Coffey, Combs, E. E. Cook, P. W. Cornett, Cottengim, W. F. Davis, Dempsey, Duff, Everett, Finney, Fitzpatrick, Gullette, Hale, Hodges, Howard, H. N. Johnson, Kincer, Kubale, McReynolds, Newberry, Peace, Qualls, Rayburn, Render, C. R. Reynolds, Richards, Smith, Sowards, Stith, Tinsley, Ed Thomas, S. R. Thomas, Weintraub, Willen, Wirsch. Nays 42—Anderson, Arnold, Bach, Barton, Baumgardner, Breckinridge, Burke, Casey, M. W. Cook, Bill Cornett, Crecelius, P. F. Davis, Ford, Greene, Hahn, Haley, Hall, Hinkle, Hislope, Hopkins, Huddleston, Kingsbury, Lovelace, Lowman, McCallum, McGuire, Mackey, Moore, Nunn, Ockerman, Parrish, Rausch, Ray, Raybourne, Reed, Searcy, Steiger, Tanner, Walsh, Wells, Williams, Young.

HB 83 as amended was passed and the title agreed to.

Representative Everett moved that the House adjourn until 10:00 a.m., February 21. Agreed.

FRIDAY, FEBRUARY 21, 1958

THIRTY-SEVENTH LEGISLATIVE DAY

The House was called to order by the Speaker, Mr. Weintraub.

Invocation by the Reverend Samuel Elmore Blackard, of the Church of the Ascension (Episcopal), of Frankfort.

On roll call, all members were present except Fields, Hinkle, Huston Johnson, Lovelace, Lyon, Miller, Reed, Russell Reynolds, Ed Thomas, Wathen, Whitehead.

Representative Chaudoin moved that absent members be extended leaves of absence. Agreed.

Representative Isler moved that the reading of the Journal for February 20 be dispensed with and the same approved. Agreed.

Motions

Representative Peace rose to a point of personal privilege and asked for a retraction of a statement in the Courier-Journal of February 21.

Representative Everett moved that **HB 95** be-recommitted to the Committee on Banking and Insurance. Agreed.

Representative Brown rose to a point of personal privilege and stated that he was aggrieved by the criticism of members of the Minority Party.

Report on Enrolled Bills

The Committee on Enrollment reported **HB 119** and **HB 67** had been examined and found correctly enrolled. Said bills read at length, compared and signed in open session by the Speaker. Ordered that the original and enrolled copies be delivered to the Senate.

Said bills delivered, signed by the President of the Senate. Ordered delivered to the Governor.

Calendar

HB 311, HB 217, HB 308, HB 215, HB 208, HB 218, HB 310, HB 216, HB 306, HB 153, HB 309, HB 136, HB 377, HB 338, HB 345, HB 369, SB 60, HB 117, HB 95, HB 97, HB 100, HB 107, HB 98, HB 174, HB 267 were taken from the Calendar and read at length for the second time. Ordered placed in Orders of the Day.

Senate Message

Senate message announcing passage of **SB 155, SB 86, SB 130, HB 205.**

Orders of the Day

Representative Fitzpatrick moved to substitute **SB 108** for **HB 169**, that it be taken from Orders of the Day and placed on passage. Agreed.

SB 108 read at length to the House.

On roll call, the vote was: Yeas, 90—Anderson, Arnold, Bach, Bartley, Barton, Baumgardner, Billington, Breckinridge, Brown, Buchanan, Buckner, Burke, Burress, Bush, Casey, Chaudoin, Clore, Coffey, Combs, E. E. Cook, M. W. Cook, Bill Cornett, P. W. Cornett, Cottengim, Crecelius, P. F. Davis, W. F. Davis, Dempsey, Duff, Everett, Farmer, Finney, Fitzpatrick, Ford, Gay, Greene, Gullette, Hahn, Hale, Haley, Hall, Hart, Henry, Hislope, Hodges, Hopkins, Howard, Huddleston, Isler, H. N. Johnson, Kincer, Kingsbury, Kubale, Lowman, McCallum, McGuire, McReynolds, Mackey, Moore, Newberry, Nunn, Ockerman, Parrish, Peace, Qualls, Ratcliffe, Rausch, Ray, Raybourne, Rayburn, Reed, Render, C. R. Reynolds, Richards, Searcy, Smith, Sowards, Steiger, Stith, Tanner, Tinsley, S. R. Thomas, Walsh, Weintraub, Wells, Willen, Williams, Wilson, Wirsch, Young; Nays, 0.

SB 108 was passed and the title agreed to.

Mr. Weintraub moved that the vote by which **SB 108** was passed be reconsidered and said motion laid on the table. Agreed.

Representative Fitzpatrick moved to substitute **SB 107** for **HB 168**, that it be taken from Orders of the Day and placed on passage. Agreed.

SB 107 read at length to the House.

On roll call, the vote was: Yeas, 81—Anderson, Arnold, Bach, Bartley, Barton, Baumgardner, Billington, Breckinridge, Brown, Buchanan, Buckner, Burke, Burress, Bush, Casey, Chaudoin, Clore, Coffey, Combs, E. E. Cook, M. W. Cook, Bill Cornett, P. W. Cornett, Crecelius, P. F. Davis, W. F. Davis, Dempsey, Duff, Farmer, Finney, Fitzpatrick, Ford, Greene, Gullette, Hahn, Hale, Haley, Hall, Hart, Henry, Hislope, Hopkins, Howard, Huddleston, Isler, Kincer, Kingsbury, Kubale, Lowman, McCallum, McGuire, McReynolds, Mackey, Newberry, Nunn, Ockerman, Parrish, Peace, Qualls, Ratcliffe, Rausch, Ray, Raybourne, Rayburn, Render, C. R. Reynolds, Richards, Searcy, Smith, Steiger, Stith, Tanner, Tinsley, S. R. Thomas, Walsh, Wells, Willen, Williams, Wilson, Wirsch, Young; Nays, 0.

SB 107 was passed and the title agreed to.

Representative Fitzpatrick moved that the vote by which **SB 107** was passed be reconsidered and said motion laid on the table. Agreed.

Representative Fitzpatrick moved that **HB 169** and **HB 168** be recommitted to the Committee on Education. Agreed.

Representative Render moved that **HB 29** be deferred, but retain its position in Orders of the Day. Agreed.

HB 143 taken from Orders of the Day. Representative Stith moved that it be read for the third time by title only and placed on passage. Agreed.

HB 143 read at length for the third time.

On roll call, the vote was: Yeas, 83—Anderson, Arnold, Bach, Bartley, Barton, Baumgardner, Billington, Breckinridge, Brown, Buchanan, Burke, Burress, Bush, Casey, Chaudoin, Clore, Coffey, Combs, E. E. Cook, M. W. Cook, Bill Cornett, P. W. Cornett, Crecelius, P. F. Davis, W. F. Davis, Dempsey, Duff, Everett, Farmer, Finney, Fitzpatrick, Ford, Gay, Greene, Gullette, Hahn, Hale, Haley, Hall, Hart, Henry, Hislope, Hodges, Hopkins, Howard, Huddleston, Isler, Kincer, Kingsbury, Kubale, Lowman, McCallum, McGuire, McReynolds, Mackey, Moore, Newberry, Nunn, Ockerman, Parrish, Peace, Qualls, Ratcliffe, Rausch, Ray, Raybourne, Rayburn, Render, C. R. Reynolds, Richards, Searcy, Smith, Stith, Tanner, Tinsley, S. R. Thomas, Walsh, Wells, Willen, Williams, Wilson, Wirsch, Young; Nays, 0.

HB 143 was passed and the title agreed to.

Representative Stith moved that the vote by which **HB 143** was passed be reconsidered and said motion laid on the table. Agreed.

HB 167 taken from Orders of the Day. Representative Stanley Thomas moved that it be read for the third time by title only and placed on passage. Agreed.

Representative Bartley moved to amend **HB 167** as follows:

Amend printed copy of **HB 167** on page 1, section 1, line 4 by deleting the word "written".

Adopted.

Representative Bartley moved to amend **HB 167** as follows:

Amend printed copy of **HB 167** on page 1, section 1, by deleting lines 5 and 6 starting after the word less than and inserting the words: "five dollars nor more than twenty-five dollars."

HB 167 as amended read at length for the third time.

On roll call, the vote was: Yeas, 9—Arnold, Bartley, Barton, Breckinridge, Brown, Buchanan, Buckner, Burress, Wirsch; Nays, 47—Bach, Bush, Casey, Chaudoin, Combs, E. E. Cook, M. W. Cook, Bill Cornett, P. W. Cornett, Crecelius, P. F. Davis, W. F. Davis, Dempsey, Finney, Gullette, Hahn, Hale, Haley, Hopkins, Howard, Huddleston, Kincer, Kubale, McCallum, McGuire, Mackey, Newberry, Nunn, Ockerman, Parrish, Ratcliffe, Ray, Raybourne, Reed, Render, C. R. Reynolds, Richards, Searcy, Smith, Steiger, Stith, Tinsley, S. R. Thomas, Wells, Willen, Wilson, Young.

HB 167 was defeated.

Introductions

The following Bills were introduced:

HB 434, by Representative Hall, AN ACT changing the classification of the City of Martin, in Floyd County.

HB 435, by Representative Henry, AN ACT relating to incorporation of cities.

HB 436, by Representative Fitzpatrick, AN ACT relating to elevator safety.

HB 437, by Representative Hahn, AN ACT establishing a special boarding high-school for students of exceptional scholastic ability; providing for its operation and maintenance, and for the selection of the students therein.

HB 438, by Representatives Moore, Breckinridge, M. W. Cook, Kingsbury, Burke, Hislope, Williams, Huddleston, Arnold, Ford, Barton, Searcy, Wells, Render, Mackey, Bill Cornett, Howard, Peace, P. F. Davis, Ockerman, Hall, McGuire, Hopkins, McCallum, P. W. Cornett, AN ACT establishing the Continuing Committee on Governmental Affairs, providing for its operation and declaring an emergency.

HB 439, by Representative C. R. Reynolds, AN ACT relating to dealers in used merchandise.

HB 440, by Representatives Cottengim, Reed, Greene, AN ACT relating to old-age assistance.

HB 441, by Representative Howard, AN ACT relating to coal tipple and ramp operator's records of purchases.

HB 442, by Representative Everett, AN ACT relating to state lands and buildings.

HB 443, by Representatives H. Nick Johnson, Duff, Buckner, Buchanan, AN ACT relating to retirement for State Police Officers.

HB 444, by Representative Lowman, AN ACT relating to a State Retirement System for employes.

HB 445, by Representative Lowman, AN ACT relating to the State Employes Retirement System; amending section 61.510 of the Kentucky Revised Statutes.

Representative Everett moved that the House adjourn until 8:00 p.m., February 24. Agreed.

MONDAY, FEBRUARY 24, 1958

THIRTY-EIGHTH LEGISLATIVE DAY

The House was called to order by the Speaker, Mr. Weintraub.

Invocation by the Reverend Samuel Elmore Blackard, of the Church of the Ascension (Episcopal), of Frankfort.

The roll call showed all members present except Buchanan, Buckner, Dempsey, Gay, H. Nick Johnson, Huston Johnson, Miller, Stith.

Senate Message

Senate message announcing passage of **SB 84.**

Motions

Representative Chaudoin moved that absent members be granted leaves of absence. Agreed.

Reading of the Journal for February 21 dispensed with and the same approved by motion by Representative Lyon.

Representative Everett moved that the House and Senate go into Joint Session for the purpose of viewing movies of the visit to the General Electric plant in Louisville. Agreed.

Representative Moore moved that the Frankfort Girl Scout Chorus be invited to sing. Agreed.

Representative Everett moved that **HB 97** be referred back to the Committee on Banking and Insurance. Agreed.

Representative Ockerman moved that the rules be suspended for introduction of guests. Agreed.

Report on Enrolled Bills

Committee on Enrollment reported that **SB 107** and **SB 108** had been examined and found correctly enrolled. Said bills read at length, compared, and signed in open session by the Speaker. Ordered that the original and enrolled copies be delivered to the Senate.

Recess

The House went into recess for the purpose of being entertained by "Miss Kentucky", Jane Marvin Brock.

Members of the Senate joined the House to view the movie of the General Electric plant.

At the end of the movie, the Speaker resumed the Chair and the House resumed the order of business.

Introductions

The following Bills and Resolutions were introduced:

HB 446, by Representative R. Reynolds, AN ACT relating to agricultural marketing.

HB 447, by Representative Chaudoin, AN ACT relating to parole.

HB 448, by Representative Chaudoin, AN ACT relating to prison traffic.

HB 449, by Representative Chaudoin, AN ACT relating to reformatories.

HB 450, by Representative Chaudoin, AN ACT relating to prison sentences and parole, repealing KRS 439.350.

HB 451, by Representative Chaudoin, AN ACT relating to parole.

HB 452, by Representative Chaudoin, AN ACT relating to a departmental transfer of the criminal laboratory and the functions thereof, repealing KRS 196.090, and amending KRS 196.030.

HB 453, by Representative Chaudoin, AN ACT relating to the powers of personnel of the Department of Welfare.

HB 454, by Representative Chaudoin, AN ACT relating to custody of prisoners.

HB 455, by Representative Chaudoin, AN ACT relating to criminal procedure.

HB 456, by Representative Chaudoin, AN ACT relating to convicts, amending KRS 432.390.

HB 457, by Representative Chaudoin, AN ACT relating to prisons.

HB 458, by Representative Newberry, AN ACT relating to service garages and repair shops.

HB 459, by Representative Newberry, AN ACT relating to schools.

HB 460, by Representative Clore, AN ACT relating to firemen in third class cities.

HB 461, by Representative Ed Thomas, AN ACT providing for a tax on greyhound racing and providing how said tax shall be levied and collected and providing the means and method of levying and collecting same and providing penalties for the violation thereof; providing for a Greyhound Racing Commission; prescribing its powers and duties; providing for holding elections; providing for licensing such racing and apportioning the moneys derived therefrom; prescribing the hours within which such racing may be conducted; providing for the selling of combination or French pools within the enclosure of licensed race tracks; providing penalties for violations of this Act and repealing any laws in conflict therewith.

HB 462, by Representative Breckinridge, AN ACT relating to school districts.

HB 463, by Representative Isler, AN ACT relating to parks, playgrounds and recreation.

HB 464, by Representatives Hale, Hinkle, AN ACT relating to unemployment insurance for state employes.

HB 465, by Representative Breckinridge, AN ACT relating to public assistance.

HB 466, by Representative Everett, AN ACT relating to the Kentucky Employees Retirement System, and extending coverage to employees of the Department of Military Affairs.

HB 467, by Representative Wathen, AN ACT relating to motor vehicle traffic regulation.

HB 468, by Representative Everett, AN ACT relating to the establishment of state tuberculosis hospital districts.

HB 469, by Representative Lyon, AN ACT relating to decedents' estates.

HB 470, by Representative Kubale, AN ACT relating to amusement tax.

HB 471, by Representative Kubale, AN ACT relating to dramatic performances in state parks.

HB 472, by Representatives Sowards, Gay, AN ACT relating to the sale of packaged liquor.

HB 473, by Representatives Bush, Cottengim, Sowards, AN ACT relating to the operation of railroads.

HB 474, by Representatives Wathen, Arnold, AN ACT relating to discharge proceedings in the Kentucky National Guard.

HB 475, by Representatives Wirsch, Weintraub, Cottengim, E. Thomas, Fitzpatrick, Isler, Tinsley, Rayburn, Qualls, Chaudoin, Everett, Billington, Hale, Kincer, Sowards, AN ACT relating to county employes retirement.

HB 476, by Representative Billington, AN ACT relating to motor transportation, providing a change in bus mileage taxes.

HB 477, by Representatives Cottengim, Fitzpatrick, AN ACT relating to county commissioners.

HR 71, by Representatives Whitehead, Wilson, Howard, Ford, Young, Sowards, Tinsley, P. W. Cornett, Brown, Hislope, Coffey, Peace, Dempsey, C. R. Reynolds, Duff, A RESOLUTION authorizing the construction of a state college at Mt. Vernon.

HR 72, by Representative Render, A RESOLUTION directing the Department of Conservation to activate a program looking toward development of a state park at Rough River Dam.

HR 73, by Representative Kubale, A JOINT RESOLUTION favoring the Pioneer Playhouse as the State Theater.

HR 74, by Representatives Sowards, Hale, Hall, A JOINT RESOLUTION changing the name of Dewey State Park to Jennie Wiley State Park.

HR 75, by Representative E. E. Cook, A JOINT RESOLUTION authorizing William L. Brasher to sue the Commonwealth of Kentucky and the Department of Highways of Kentucky or either of them.

Orders of the Day

Representative Everett moved that **HB 29** be recommitted to the Committee on Ways and Means for further study. Agreed.

Action on **HB 26** and **HB 38** deferred, with approval of the House, because of the absence of the sponsors.

HB 223 taken from Orders of the Day. Representative Everett moved that it be read for the third time by title only and placed on passage. Agreed.

HB 223 read at length for the third time.

On roll call, the vote was: Yeas, 76—Anderson, Arnold, Bach, Barton, Baumgardner, Billington, Breckinridge, Buckner, Burke, Bush, Casey, Chaudoin, Clore, Combs, E. E. Cook, M. W. Cook, Bill Cornett, P. W. Cornett, Cottengim, Crecelius, P. F. Davis, W. F. Davis, Duff, Everett, Farmer, Fields, Finney, Fitzpatrick, Ford, Greene, Gullette, Hahn, Hale, Haley, Hall, Hart, Henry, Hinkle, Hislope, Hodges, Hopkins, Howard, Isler, Kincer, Kingsbury, Kubale, Lovelace, Lyon, McCallum, McGuire, McReynolds, Moore, Newberry, Ockerman, Parrish, Peace, Ratcliffe, Rausch, Ray, Raybourne, Rayburn, Render, C. R. Reynolds, R. Reynolds, Richards, Smith, Steiger, Tanner, Tinsley, S. R. Thomas, Walsh, Wathen, Wells, Williams, Wilson, Wirsch; Nays, 0.

HB 223 was passed and the title agreed to.

HB 26 taken from Orders of the Day. Representative Everett moved that it be read for the third time by title only and placed on passage. Agreed.

Representative Ed Thomas moved to amend **HB 26** as follows:

Amend printed copy of **HB 26** on page 1, section 1, line 2 by adding the words, "disabled vehicles", between the word "wreckers" and the words "public utility".

Adopted.

HB 26 as amended read at length for the third time.

On roll call, the vote was: Yeas, 66—Anderson, Arnold, Bartley, Barton, Baumgardner, Billington, Breckinridge, Brown, Buckner, Burke, Burress, Bush, Casey, Chaudoin, Clore, Combs, E. E. Cook, Cottengim, Crecelius, P. F. Davis, Everett, Farmer, Fields, Finney, Fitzpatrick, Ford, Greene, Gullette, Hale, Haley, Hart, Hinkle, Hopkins, Howard, Huddleston, Isler, Kincer, Kubale, Lovelace, Lyon, McCallum, McGuire, McReynolds, Moore, Newberry, Peace, Qualls, Ratcliffe, Rausch, Ray, Raybourne, Rayburn, Render, C. R. Reynolds, Richards, Sowards, Steiger, Tinsley, Ed Thomas, S. R. Thomas, Wathen, Wells, Whitehead, Willen, Wilson, Wirsch; Nays, 0.

HB 26 was passed and the title agreed to.

Representative Ed Thomas moved that the vote by which **HB 26** was passed be reconsidered and said motion laid on the table. Agreed.

Representative Paul Davis moved that action on **HB 120** be deferred, but that it retain its position in Orders of the Day. Agreed.

HB 202 taken from Orders of the Day. Representative Kubale moved that it be read for the third time by title only and placed on passage. Agreed.

Representative Kubale moved to amend **HB 202** as follows:

Amend printed copy of **HB 202** on pages 2, 3, and 4, section 2, lines 1 to 55 by deleting Section 2 in its entirety.

Also on page 6, Section 3, lines 54 and 55 by deleting the word "employers" and substituting the word "employes."

HB 202 as amended read at length for the third time.

On roll call, the vote was: Yeas, 83—Anderson, Arnold, Bach, Bartley, Barton, Baumgardner, Billington, Breckinridge, Brown, Buckner, Burke, Burress, Bush, Casey, Chaudoin, Clore, Coffey, Combs, E. E. Cook, M. W. Cook, Bill Cornett, P. W. Cornett, Crecelius, P. F. Davis, W. F. Davis, Duff, Everett, Farmer, Fields, Finney, Fitzpatrick, Ford, Greene, Gullette, Hahn, Hale, Haley, Hall, Hart, Hinkle, Hislope, Hodges, Hopkins, Howard, Huddleston, Isler, H. N. Johnson, Kincer, Kingsbury, Kubale, Lovelace, Lyon, McCallum, McGuire, McReynolds, Mackey, Moore, Newberry, Ockerman, Parrish, Peace, Qualls, Ratcliffe, Rausch, Ray, Raybourne, Rayburn, Render, C. R. Reynolds, Richards, Searcy, Smith, Steiger, Tanner, Tinsley, S. R. Thomas, Wathen, Wells, Willen, Williams, Wilson, Wirsch, Young; Nays, 0.

HB 202 was passed as amended and the title agreed to.

Introductions

HB 478, by Representatives Clore, Greene, Cottengim, Reed, AN ACT relating to horse racing.

HB 479, by Representative Rayburn, AN ACT relating to hunting of game.

Representative Everett moved that the House adjourn until 1:00 p.m., February 25. Agreed.

TUESDAY, FEBRUARY 25, 1958

THIRTY-NINTH LEGISLATIVE DAY

The House was called to order by the Speaker, Mr. Weintraub.

Invocation by the Reverend Samuel Elmore Blackard, of the Church of the Ascension (Episcopal), of Frankfort.

The roll was called. All members present except Barton, Buckner, Casey, E. E. Cook, P. W. Cornett, P. F. Davis, Fields, Gay, Hart, Henry, Hislope, Huston Johnson, Kingsbury, Miller, Moore, Sowards.

Representative Chaudoin moved that absent members be granted leaves of absence. Agreed.

Reading of the Journal for February 24 dispensed with and the same approved on motion of Representative Lyon.

Recess

Representative Everett moved for a short recess for an informal visit of the Governor, Hon. A. B. Chandler, and the opening auction of State Highway bonds. Agreed. At the conclusion of the auction, the Speaker resumed the Chair and called the House to order.

Motions

Representative Lyon moved that **HB 133** be taken from the Clerk's desk and given its third reading and placed on passage. Agreed

HB 133 with Committee amendment read at length for the third time.

Representative Ray moved to amend Committee amendment as follows:

Amend printed copy of **HB 133** on page 1, section 1, line 11 by striking immediately after the word "judge" the words "except in counties containing cities of the first or second class, in which counties the fiscal court may fix the salary of the commissioner at not more than thirty six hundred dollars per annum."

By unanimous consent it was agreed that further action on **HB 133** be deferred until all amendments could be clarified.

Representative Cottengim moved that when the House adjourns it do so in memory of C. C. Spencer of Kenton County. Agreed.

Introductions

Representative Carl Reynolds moved the adoption of **HR 77.** Adopted.

HR 77, by Representative Carl Reynolds, A CONCURRENT RESOLUTION extending the condolences of the General Assembly to the family of J. B. Wells, Sr.

WHEREAS, the supreme creator in his omniscience has seen fit to separate J. B. Wells, Sr. from his loved ones by death;

WHEREAS, the said J. B. Wells, Sr. was one of Eastern Kentucky's most loved and respected business and civic leaders;

WHEREAS, the experience and leadership abilities which he demonstrated will be conspicuous by their absence in the areas of his endeavors; and

WHEREAS, the passing of the said J. B. Wells, Sr. has been noted with regret by members of the General Assembly of the Commonwealth of Kentucky;

NOW, THEREFORE,

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the condolences of the General Assembly of the Commonwealth of Kentucky be and are hereby extended to the family of J. B. Wells, Sr. upon his untimely and unfortunate passing.

Section 2. That the clerk of the Senate cause copies of this resolution be sent to Mrs. Jenny Wells, Mrs. Irvin Arrowood, Mrs. Deward Kazee, Mrs. Edd Redd and Mr. J. B. Wells, Jr., the widow and children of Mr. J. B. Wells, Sr.

Report of Committees

The Committee on Appropriations and Revenues reported **HB 209, HR 15, HB 312, HB 356, HB 414, HR 17, HR 16, SB 200, HB 415, HB 416** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 209, AN ACT relating to agricultural research.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. In enacting this legislation it is the intention of the General Assembly to find new and better methods for utilization and marketing of Kentucky's specialty farm products, and to solve related problems adversely affecting the economy of the Commonwealth.

Section 2. (1) There shall be established in the College of Agriculture of the University of Kentucky, a farm products and food technology research project to promote greater utilization of Kentucky's agricultural products, including tobacco, meats, vegetables, fruits and berries, with particular emphasis on new uses and new products.

(2) The project shall be under the general supervision of the Dean of the College of Agriculture. Such executive assistants as are necessary may be appointed by the Dean of the College of Agriculture, each to receive an annual salary to be fixed by the Board of Trustees of the University of Kentucky.

Section 3. All property rights or income resulting from research under this Act shall be credited to the research project herein established and shall be used for continued research into new uses for such products.

Section 4. On or about January 1 of each year the Dean of the College of Agriculture shall make, or cause to be made, a progress report to the President and the Board of Trustees of the University of Kentucky, the Governor, and the General Assembly of the Commonwealth; except in such instances where revelation of such report may adversely affect a successful culmination of a portion or portions of the research.

Section 5. None of the monies appropriated for the purpose of this Act shall be used for research leading to increased tobacco production nor for research into plant or animal disease control, except where such research is considered necessary to develop greater utilization or new products.

Section 6. To carry out the purposes of this Act, the sum of fifty thousand dollars for the 1958-1959 fiscal year, which sum shall not lapse at the end of the 1958-1959 fiscal year, but shall be carried over into the 1959-1960 fiscal year, and the sum of fifty thousand dollars for the 1959-1960 fiscal year is appropriated to the College of Agriculture of the University of Kentucky out of the General Fund. The University of Kentucky, College of Agriculture, is authorized hereby to supplement these appropriations by funds provided by the government of the United States, if and when such funds are made available for research projects authorized by this Act.

HR 15, A JOINT RESOLUTION making an appropriation out of the General Expenditure Fund of the State Treasury for the purpose of meeting deficiencies in the 1956-57 Foundation Program allotments to school districts.

WHEREAS, in 1956, at the time of the final calculation of Foundation Program allotments to local school districts for 1956-57, it was discovered that the appropriation for said fiscal year was insufficient to finance the total program including the guarantee provisions of KRS 157.400 (2); and

WHEREAS, said deficiency was caused by an unexpected increase in the number and training of personnel employed in local school districts; and

WHEREAS, because of said deficiency in funds, certain school districts were given reduced allotments during said fiscal period;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. There is hereby appropriated to the State Department of Education, Public School Foundation Fund, the sum of $171,301.01 to be used to pay the aforesaid deficiencies in the 1956-57 allotments to school districts.

Section 2. Whereas, there is an immediate need for money to be made available for the payment of the already outstanding claims of certain school districts which were forced to receive reduced allotments during the aforesaid fiscal year, an emergency is declared to exist and this resolution shall take effect upon its passage and approval by the Governor.

HB 312, AN ACT relating to insurance and amending Section 56.180 of the Kentucky Revised Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 56.180 of the Kentucky Revised Statutes is amended to read as follows:

If at the end of any fiscal year the moneys and securities to the credit of the State Fire and Tornado Insurance Fund exceed Two Million Dollars ($2,000,000), any such excess shall be available to the Department of Finance for the purpose of improving conditions relating to life and fire safety in state properties. Such improvements may include but not be limited to the constructing and equipping of a fire house in the Capital City. Allocations by the Department of Finance shall be made on the basis of recommendations made pursuant to KRS 56.170 by the Commissioner of Insurance.

HB 356, AN ACT relating to revenue and taxation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Kentucky Revised Statute 132.210 is amended to read as follows:

Every fraternal benefit society organized or licensed under Chapter 300 and every burial association as defined in KRS 303.010 (4) is a charitable and benevolent institution, and its funds shall be exempt from all state, county, district, city and school taxes, other than taxes on real property and office equipment.

HB 414, AN ACT appropriating money out of the General Expenditure Fund in the State Treasury for the purpose of paying certain claims which have been duly audited and approved according to law but which have not been paid because of the lapsing or insufficiency of former appropriations against which said claims were chargeable.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. There is appropriated out of the General Expenditure Fund in the State Treasury for the purpose of compensating persons and companies herein named for claims which have been duly audited and approved according to law but which have not been paid because of lapsing of former appropriations against which said claims were chargeable, the sum hereinafter specified:

1.	Smith & Lindsey, Inc. McClure Building Frankfort, Kentucky	$194.17
2.	Ashland Oil & Refining Co. Ashland, Kentucky	$147.95
3.	Andrew M. Moore, M.D. 108 East Maxwell Street Lexington, Kentucky	$150.00
4.	Porter Mayo, M.D. 203 West Second Street Lexington, Kentucky	$ 85.00
5.	J. O. Van Meter, Jr., M.D. 288 South Limestone Lexington, Kentucky	$ 17.50
6.	Good Samaritan Hospital Lexington, Kentucky	$920.15
7.	Raymond M. Slabaugh, Jr., M.D. 115 East Maxwell Street Lexington, Kentucky	$ 95.00
8.	E. H. Straus Company Delaware Avenue Lexington, Kentucky	$219.00
9.	Master Mechanics Company 2454 Glenmary Avenue Louisville 4, Kentucky	$368.80
10.	J. B. Blanton Company, Inc. Frankfort, Kentucky	$642.07

Section 2. The persons and companies named above having in good faith furnished the services, supplies, and materials enumerated in Section 1 and the Commonwealth having received the benefits of same an emergency is declared to exist and this Act shall take effect upon its passage and approval by the Governor.

HR 17, A JOINT RESOLUTION authorizing and directing the payment of certain increased jailer's fees for fiscal year 1957-58, and making an appropriation therefor.

WHEREAS, 1956 c 95, sec. 2 increased the jailer's fee payable from the state treasury from $2.00 to $6.00 for each day's attendance upon the circuit court and from $1.25 to $1.75 per day for keeping and dieting a prisoner charged with a felony or contempt; and

WHEREAS, through inadvertance, the 1956 General Assembly did not appropriate any money to pay the increases in jailer's fees; and

WHEREAS, notwithstanding the lack of an appropriation therefor, the increased fee schedule was put into effect on July 1, 1957;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. There is hereby appropriated to the county costs account the sum of $100,000.00 to be used to pay the state's share of increased jailer's fees authorized by 1956 c 95, sec. 2, during the 1957-58 fiscal year.

Section 2. Whereas, there is an immediate need for money to be made available in order to prevent a total deficiency of funds in the county costs account in the fourth quarter of the 1957-58 fiscal year, an emergency is hereby declared to exist and this resoultion shall take effect upon its passage and approval by the Governor.

HR 16, A JOINT RESOLUTION authorizing and directing payment of the state's share of increased jailers fees covering the period June 17, 1954, to June 30, 1957, inclusive, and making an appropriation therefor.

WHEREAS, 1954 c 120 increased the fee that jailers receive from the state treasury from 60c to 75c for imprisoning and releasing a prisoner charged with a felony or contempt; and

WHEREAS, 1956 c 95, sec. 2 increased the fee that jailers receive from the state treasury from $2.00 to $6.00 for each day's attendance upon the circuit court and from $1.25 to $1.75 per day for keeping and dieting a prisoner charged with a felony or contempt; and

WHEREAS, through inadvertance, the General Assembly in 1954 and again in 1956 did not appropriate any money to pay the aforesaid increased fees;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. There is hereby appropriated to the county costs account the sum of $100,000 to be used to pay the state's share of the aforesaid increased fees covering the period June 17, 1954 to June 30, 1957, inclusive. The jailer in each county so affected shall certify to the Department of Finance his supplemental claim covering the increased fees due him on claims which have been properly allowed and certified by the circuit court. The supplemental claim shall be made according to the term of court in which the original claim was allowed. Upon such proper certification, the Department of Finance shall audit each claim and, if found correct, authorize its payment.

SB 200, AN ACT relating to emergencies affecting the public health and welfare due to failure of a public utility to furnish sufficient gas for heating purposes during a period of unusual weather; making an appropriation, and declaring an emergency and to be known as the Knuckles and Lucas Bill.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The Public Service Commission is authorized to procure, without taking bids and on an emergency basis, sufficient gas of whatever nature may be available, to relieve a shortage in the supply of any municipality, which threatens the life and health of the citizens of the municipality, and the health of the citizens of this state.

Section 2. Any contracts made under the authority of Section 1 hereof shall be made in the form and with the provisions deemed reasonable by the Chairman of the Public Service Commission.

Section 3. No commitment shall be made under the provisions of this Act for the supply of any gas at the expense of the state except for such supplies as have been furnished between the period February 15, 1958 and March 20, 1958.

Section 4. The amount of $30,000 is hereby appropriated to the Public Service Commission for the implementation of this Act, in addition to any funds heretofore appropriated to or receivable by said Commission. Any funds unused shall revert to the General Fund.

Section 5. Whereas the citizens of Middlesboro, London and surrounding communities are now in desperate straits and are in danger of freezing in the unusually cold weather now existing. An emergency is declared to exist and this Act shall become effective upon its passage and approval by the Governor.

HB 415, AN ACT relating to the Kentucky Employees Retirement System.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 61.510 of the Kentucky Revised Statutes is amended to read as follows:

As used in KRS 61.510 to 61.700, unless the context otherwise requires:

(1) "System" means the Kentucky Employees Retirement System created by KRS 61.510 to 61.700;

(2) "Board" means the Board of Trustees of the system as provided in KRS 61.645;

(3) "Department" means any state department, board or agency participating in the system in accordance with appropriate executive order, as provided in KRS 61.520;

(4) "Examiner" means the medical examiner or examiners as provided in KRS 61.665;

(5) "Employee" means every person regularly employed in rendering service to and for a department and whose compensation is payable in whole or in part by such department, and shall include all full time regular employees of the board. In case of any doubt the board shall determine if a person is an employee within the meaning of KRS 61.510 to 61.700;

(6) "Employer" means a department or any authority of such department having the power to appoint an employee to office or employment in such department;

(7) "State" means the Commonwealth of Kentucky;

(8) "Member" means any employee who is included in the membership of the system;

(9) "Service" means the total of current service and prior service as defined herein;

(10) "Current service" means the number of years and completed months, expressed as a fraction of a year, of employment as an employee, on and after July 1, 1956, for which compensation is paid by the employer during which employment the employee is a member of the system, except as otherwise provided in KRS 61.620;

(11) "Prior service" means the number of years and completed months, expressed as a fraction of a year, of employment as an employee, prior to July 1, 1956, for which compensation was paid by the employer.

(12) "Beneficiary" means any person entitled to receive benefits under KRS 61.510 to 61.700;

(13) "Accumulated contributions" at any time means the sum of all amounts deducted from the compensation of a member and credited to his individual account in the members' contribution account, together with interest credited on such amounts, and any other amounts the member shall have contributed thereto, including interest credited thereon;

(14) "Creditable compensation" means the compensation to an employee (arising from funds disbursed by the State Treasurer) working the full working time for his position. In cases where compensation includes maintenance and other perquisites, the board shall fix the value of that part of the compensation not paid in money;

(15) "Final compensation" of a member means the creditable compensation to the member during the five calendar years he was paid at the highest average monthly rate of any of the last ten years of creditable compensation preceding the member's retirement date divided by the number of months of service during that five year period. Said five years may be fractional, need not be consecutive, and include only years during which creditable compensation is received

by the member. In no case will final compensation be less than that determined on the assumption that the member retired on his normal retirement date. All benefits shall be paid in accordance herewith.

(16) "Retirement allowance" means the retirement payment to which a member is entitled;

(17) "Actuarial equivalent" means a benefit of equal value when computed upon the basis of such actuarial tables as are from time to time adopted by the board;

(18) "Normal retirement date" means the sixty-fifth birthday of a member or the date on which the member completes ten years of service, whichever occurs later, except that in no case will a member's normal retirement date be later than his seventy-fifth birthday. The normal retirement date for any member who has passed his seventy-fifth birthday on the date he becomes a member shall be the date he becomes a member, except as otherwise provided in KRS 61.590. Notwithstanding anything to the contrary contained in this subsection (18), the normal retirement date of a member shall not be earlier than July 1, 1957;

(19) "Fiscal year" of the system means the twelve months from July 1 through the following June 30.

Section 2. Section 61.535 of the Kentucky Revised Statutes is amended to read as follows:

The membership of any person in the system shall cease:

(1) Upon withdrawal of his accumulated contributions at or any time after termination of employment, regardless of length of service.

(2) After the expiration of nine calendar months following termination of employment if such termination was:

(a) for any reason other than involuntary termination of employment by the employer without prejudice after ten years of service but before the completion of twenty years of service, unless at such termination of employment the member has had at least twenty years of service;

(b) involuntary termination of employment by the employer without prejudice if the person has less than twenty years of service, unless at such termination of employment the member has had at least ten years of service and is re-employed within eight years of said termination of employment;

(3) Upon service retirement;

(4) Upon death;

(5) Upon termination of employment with prejudice after twenty years of service;

(6) For purposes of KRS 61.510 to 61.700, termination of employment with prejudice shall mean termination as the result of conviction of the member in a court of competent jurisdiction of embezzlement or larceny of public funds or property or malfeasance in office, or the

forcing of a member to make restitution for any funds or property criminally taken by said member at the time of termination of employment.

Section 3. Section 61.555 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any member entering the armed forces of the United States after he first participates in the system, being on leave of absence from service and not withdrawing his accumulated contributions, shall be entitled to have credited as service his period of service in the armed forces of the United States, not to exceed six years, provided his discharge therefrom is honorable and he is re-employed within one year after discharge, or upon the subsequent termination of any total disability which existed at the expiration of said year after discharge.

(2) Any member of the system who, prior to the date he first participated in the system, terminated his employment in order to enter the armed forces of the United States and who was or is re-employed after his honorable discharge therefrom shall be entitled to have credited as service his period of service in the armed forces, not to exceed six years.

Section 4. Section 61.605 of the Kentucky Revised Statutes is amended to read as follows:

Upon disability retirement, a member shall receive an annual retirement allowance payable monthly during his lifetime which shall be determined in the same manner as for retirement at his normal retirement date with years of service and final compensation being determined as of the date of his disability except that the amount of such annual retirement allowance shall not be less than $480.00.

Section 5. Section 61.625 of the Kentucky Revised Statutes is amended to read as follows:

If a member has ceased to be an employee other than by death or by retirement under the provisions of KRS 61.510 to 61.700, he shall be paid, on demand, but not later than ninety days thereafter, the amount of his accumulated contributions reduced by the amount of any retirement allowances previously received by him under any of the provisions of KRS 61.510 to 61.700.

Section 6. Section 61.630 of the Kentucky Revised Statutes is amended to read as follows:

Should a member die at any time after retirement but before receiving total retirement allowances provided in KRS 61.510 to 61.700 at least equal to his accumulated contributions as of the date of his retirement, the difference between such accumulated contributions and such total allowances shall then be payable in a lump sum to the properly designated beneficiary, if then living; otherwise, to the estate of the deceased member, unless the retirement allowance is then being paid in accordance with any of the options contained in KRS 61.635 or 61.640.

Section 7. Section 61.635 of the Kentucky Revised Statutes is amended to read as follows:

(1) Each member shall have the right, with respect to paragraph (a), (b), or (c) herein, to elect to have his retirement allowance payable under any one of the options set forth in this section in lieu of the retirement allowance otherwise payable to him upon retirement under any of the provisions of KRS 61.510 to 61.700. The amount of any such optional retirement allowance shall be the actuarial equivalent of the amount of such retirement allowance otherwise payable to him. The member shall make such an election by written request to the board and such election shall be subject to the approval of the board.

(a) A member may elect to receive an increased retirement allowance in lieu of any death benefits as provided in KRS 61.630.

(b) The member may elect to receive a decreased retirement allowance during his lifetime and have such retirement allowance, or one-half thereof if so designated, continued after his death to another person during the lifetime of such person. In case of such an election death benefits that might otherwise be provided under KRS 61.630 shall not be payable upon the death of the member. This option may not be elected by a member if the social security option of paragraph (c) herein has previously been elected.

(c) If a member retires prior to his sixty-fifth birthday, he may elect to receive an increased retirement allowance up to the date he commences to receive his primary insurance benefits under Federal Social Security and a decreased retirement allowance thereafter, thereby providing a more nearly level retirement allowance when such decreased retirement allowance is added to his anticipated primary benefits under the Federal Social Security Act. The election of this option shall automatically revoke any previous election under the joint and last survivor option of paragraph (b) herein.

(2) The election by a member of any one of the options stated in this section shall be null and void if the member dies prior to retirement, and the election by a member of option (b) shall be effective only if the beneficiary is living at the effective date of the member's retirement.

(3) A member who has elected any one of the options stated in this section may, at any time prior to the later of the effective date of the member's retirement or the date of written notification to the board of retirement of the member, revoke such an election by written notification to the board.

(4) If any service or disability retirement allowance provided in KRS 61.590 through 61.640 is less than $20.00 a month, the board

may at its discretion pay the actuarial equivalent of such allowance in any other manner agreed on by the member and the board.

Section 8. Section 61.640 of the Kentucky Revised Statutes is amended to read as follows:

Should a member die at any time before retirement, the amount of his accumulated contributions, reduced by the amount of any retirement allowances previously received by him under any of the provisions of KRS 61.510 to 61.700, shall be payable in a lump sum to the properly designated beneficiary, if then living; otherwise, to the estate of the deceased member; provided, however, that if the member is in service at time of death and is eligible to retire on benefits payable as provided in KRS 61.590 (1) and (2), and has on file with the board at the time of his death a written designation of beneficiary, then said beneficiary shall receive an annual benefit payable monthly which shall be equal in amount to the benefit that would have been paid had the member retired immediately prior to his date of death and elected option (b) (100%) as provided in KRS 61.635 so that the retirement allowance (not one-half thereof) shall be continued during the lifetime of the beneficiary. Nomination of beneficiary may be changed by the member at any time prior to retirement by written designation signed by a member in such manner and on such forms as shall be required by the board. Such change shall be effective on the day such designation is received by the board.

Section 9. Section 61.645 of the Kentucky Revised Statutes is amended to read as follows:

(1) The system shall be administered by a Board of Trustees, which shall organize and begin to function at Frankfort, Kentucky, on or prior to the effective date of KRS 61.510 to 61.700 and shall meet monthly thereafter in Frankfort at such time and place as may be determined by the board. Said board shall consist of five persons appointed by the Governor who shall serve for terms of four years, except that one member of the first board shall be appointed for a term of one year, one member for a term of two years, one member for a term of three years and two members for a term of four years.

(2) Board members who are not employees of a department shall receive a salary of $25.00 per day for each day they are in session or are on official duty. All board members shall receive per diem expenses as established by the board in accordance with standards and regulations applicable to a department employee when on official duty.

(3) The board shall elect a chairman and vice chairman. A majority of the members shall constitute a quorum, and all actions taken by the board will be by affirmative vote of a majority of the entire board. All vacancies on said board shall be filled by appointment for unexpired terms by the Governor.

(4) The board shall:

(a) Appoint an executive secretary, who shall be the secretary and the administrative officer of the board;

(b) Appoint such other employees as it deems necessary and fix the compensation for all employees of the board;

(c) Require such employees as it thinks proper to execute bonds for the faithful performance of their duties;

(d) Establish a system of accounting;

(e) Do all things, take all actions and make all rules and regulations, not inconsistent with the provisions of KRS 61.510 to 61.700, that it deems necessary or proper in order to carry out the provisions of KRS 61.510 to 61.700; provided that the Governor, by Executive Order, for administrative convenience and economy may transfer the administrative functions of the board to any departments or agencies of state government.

(5) All employees of said board shall serve during its will and pleasure.

(6) The Attorney General, or an assistant designated by him, shall act as legal adviser and attorney for the board.

(7) The board shall prepare and publish an annual financial report showing all receipts, disbursements, assets and liabilities. All its proceedings and records shall be open for inspection by the public.

(8) All expenses incurred by or on behalf of the board in the administration of the system during a fiscal year shall be paid from the retirement allowance account. The expenses incurred by the board in the administration of the system during any fiscal year shall not exceed $10,000, or two percent of the total employer and member contributions during such fiscal year, whichever is the larger.

Section 10. A new section of the Kentucky Revised Statutes is created to read as follows:

Any member of the Kentucky Employees Retirement System who, prior to the date he first participated in the system, was transferred into the service of the United States Government under Presidential Executive Order 8990 dated December 23, 1941, as a part of the mobilization of manpower during the emergency of World War II, and who continued his service with the United States until his return to state employment under the provisions of Public Law 549, 79th Congress, or who prior thereto returned to state service without intervening employment, shall be credited with service in the system on the same basis as if he remained in the state service. Any member who, while in the above employment status, was inducted into the armed forces of the United States shall receive credit for service in the same manner as provided in subsection (2) of KRS 61.555.

Section 11. A new section of the Kentucky Revised Statutes is created to read as follows:

Each retired member receiving a retirement allowance in accordance with KRS 61.590 (1), (2), or (3) on the effective date of this amendment, who had on file prior to his retirement a request for an optional retirement benefit under KRS 61.635 (1) (b) or (c), may refile before September 1, 1958, for a benefit payable under that section of the law. The benefit, however, shall be actuarially equivalent to the benefit otherwise payable at retirement but shall be adjusted to reflect overpayment of any benefit since retirement.

Section 12. A new section of the Kentucky Revised Statutes is created to read as follows:

In order to fully implement the provisions of this Act and provide for survivor benefits under certain provisions herewith there is hereby appropriated out of the General Expenditure Fund for the benefit of the Board of Trustees, Kentucky Employees Retirement System, the following sums:

1958-59	$58,500.00
1959-60	$59,100.00

For the same purposes for agencies other than the Department of Highways there is hereby appropriated out of the Road Fund for the benefit of the Board of Trustees, Kentucky Employees Retirement System, the following sums:

1958-59	$ 9,400.00
1959-60	$10,000.00

Section 13. The provisions of this Act shall become effective and fully operative on July 1, 1958.

HB 416, AN ACT relating to the sale of motor vehicles.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 190.010 of the Kentucky Revised Statutes is amended to read as follows:

As used in KRS 190.010 to 190.080 unless the context requires otherwise:

(1) "Motor vehicle dealer" means any person not excluded by subsection (2) of this section who:

(a) For commission, money or other thing of value, is engaged in the business of selling, exchanging, buying, offering or attempting to negotiate a sale or exchange of an interest in motor vehicles; or

(b) Who is engaged wholly or in part in the business of selling motor vehicles, including motor driven cycles, whether or not such motor vehicles are owned by such person, firm or corporation.

(2) The term "motor vehicle dealer" does not include:

(a) Receivers, trustees, administrators, executors, guardians or other persons appointed by or acting under the judgment or order of any court;

(b) Public officers while performing their official duties; or

(c) Employes of persons enumerated in paragraphs (a) and (b) of this subsection, when engaged in the specific performance of their duties as such employes.

(3) "Motor vehicle salesman" means any person who is employed as a salesman by a motor vehicle dealer to sell motor vehicles.

(4) The term "commissioner" means the Commissioner of Motor Transportation.

(5) "Motor vehicle" means any motor driven vehicle required to be registered or licensed under Sections 186.050, 281.813 or 281.815 of the Kentucky Revised Statutes excepting motor scooters and motor bicycles.

(6) The term "department" means the Department of Motor Transportation.

(7) "Licensor" means either the commissioner or the department or both.

(8) "Manufacturer" means any person, resident or nonresident who manufactures or assembles motor vehicles.

(9) "Distributor" or "wholesaler" means a person, resident or nonresident who in whole or part, sells or distributes motor vehicles to motor vehicle dealers, or who maintains distributor representatives.

(10) "Factory branch" means a branch office maintained by a person who manufactures or assembles motor vehicles, for the sale of motor vehicles to distributors, or for the sale of motor vehicles to motor vehicle dealers or for directing or supervising in whole or part, its representatives.

(1) "Distributor branch" means a branch office similarly maintained by a distributor or wholesaler for the same purposes.

(12) "Factory representative" means a representative employed by a person who manufactures or assembles motor vehicles or by a factory branch, for the purpose of making or promoting the sale of its motor vehicles, or for supervising or contacting its dealers or prospective dealers.

(13) "Distributor representative" means a representative similarly employed by a distributor, distributor branch or wholesaler.

(14) "Person" means a person, partnership, firm, corporation or association.

Section 2. Section 190.030 of the Kentucky Revised Statutes is amended to read as follows:

(1) No motor vehicle dealer, or motor vehicle salesman shall engage in business as such in this state without a license therefor as provided in KRS 190.010 to 190.080. If any motor vehicle dealer acts as a motor vehicle salesman he shall secure a motor vehicle salesman's license in addition to a license for motor vehicle dealer.

(2) No manufacturer of motor vehicles, or factory branch, or distributor or distributor branch shall engage in business as such in this state without a license therefor as provided in KRS 190.010 to 190.080.

(3) No factory representative or distributor representative shall engage in business as such in this state without a license therefor as provided in KRS 190.010 to 190.080.

(4) Application for license shall be made to the licensor, at such time, in such form and contain such information as the licensor shall require and shall be accompanied by the required fee. The licensor may require in such application, or otherwise, information relating to the applicant's solvency, his financial standing or other pertinent matter commensurate with the safeguarding of the public interest in the locality in which said applicant proposes to engage in business, all of which may be considered by said licensor in determining the fitness of said applicant to engage in business as set forth in this section.

(5) All licenses shall be granted or refused within 30 days after application therefor, and shall expire, unless sooner revoked or suspended, on December 31 of the calendar year for which they are granted, except that where a complaint of unfair cancellation of dealer franchise is in the process of being heard, no replacement application for such franchise shall be considered until a decision is rendered by the department.

(6) On or before granting to an applicant a motor vehicle dealer license, he or they shall furnish satisfactory proof to the department of the existence of a permanent place of business, either owned in fee simple or leased, wherein properly identified adequate facilities are available to perform the functional duties of a motor vehicle dealer and at which place of business books, records and files necessary to properly conduct the business are kept and maintained, devoted principally to the business of a motor vehicle dealer and such place shall not be construed to mean residence, tents, or temporary stands.

(7) The license of dealers, manufacturers, factory branches, distributors, and distributor branches shall specify the location of the office or branch and must be conspicuously displayed there. In case such location be changed, the licensor shall indorse the change of location on the license without charge if it be within the same municipality. A change of location to another municipality shall require a new license.

(8) Every salesman, factory representative or distributor representative shall carry his license when engaged in his business, and display the same upon request. The license shall name his employer, and in case of a change of employer, the salesman shall immediately mail his license to the licensor who shall indorse such change on the license without charge.

(9) Provided the licensor has reasonable cause to doubt the financial responsibility or the compliance by the applicant or licensee

with the provisions of this statute the licensor may require such applicant or licensee to furnish and maintain a bond in such form, amount and with such sureties as it shall approve, but not less than five thousand dollars, nor more than fifteen thousand dollars, conditioned upon such applicant or licensee complying with the provisions of the statutes applicable to the licensee and as indemnity for any loss sustained by any person by reason of any acts of the licensee constituting grounds for suspension or revocation of his license hereunder. The bonds shall be executed in the name of the state of Kentucky for the benefit of any aggrieved parties, but the penalty of said bond shall not be invoked except after adjudication thereof. The above bonding requirements shall not apply to manufacturers, factory branches, and their agents.

(10) Application for dealers license shall be submitted to the department in duplicate and contain such information as the department may require. No motor vehicle dealer, unless licensed under KRS 190.010 to 190.080, shall be permitted to register, receive, or use any motor vehicle registration plates.

(11) Every motor vehicle dealer licensed in accordance with the provisions of this section shall make reports to the licensor at such intervals and showing such information as the licensor may require.

Section 3. Section 190.040 of the Kentucky Revised Statutes is amended to read as follows:

(1) A license may be denied, suspended or revoked on the following grounds:

(a) Proof of financial or moral unfitness of applicant;

(b) Material misstatement in application for license;

(c) Filing a materially false or fraudulent income tax return as certified by the Department of Revenue;

(d) Willful failure to comply with any provision of this section or any rule or regulation promulgated by the Commissioner under KRS 190.010 to 190.080;

(e) Willfully defrauding any retail buyer to the buyer's damage;

(f) Willful failure to perform any written agreement with any retail buyer;

(g) Failure or refusal to furnish and keep in force any bond required;

(h) Having made a fraudulent sale, transaction or repossession;

(i) Use of any false or misleading advertising in connection with his business as a motor vehicle dealer;

(j) Fraudulent misrepresentation, circumvention or concealment through whatsoever subterfuge or device of any of the material particulars or the nature thereof required hereunder to be stated or furnished to the retail buyer;

(k) Employment of fraudulent devices, methods or practices in connection with compliance with the requirements under the statutes of this state with respect to the retaking of goods under retail installment contracts and the redemption and resale of such goods;

(l) Having violated any law relating to the sale, distribution or financing of motor vehicles;

(m) Being a manufacturer of motor vehicles, factory branch, distributor, field representative, officer, agent or any representative whatsoever of such motor vehicle manufacturer or factory branch, who has induced or coerced or attempted to induce or coerce any automobile dealer to accept delivery of any motor vehicle or vehicles, parts or accessories therefor, or any other commodities which shall not have been ordered by said dealer;

(n) Being a manufacturer of motor vehicles, factory branch, distributor, field representative, officer, agent or any representative whatsoever of such motor vehicle manufacturer or factory branch, who has attempted to induce or coerce, or has induced or coerced, any automobile dealer to enter into any agreement with such manufacturer, factory branch or representative thereof, or to do any other act unfair to said dealer, by threatening to cancel any franchise existing between such manufacturer, factory branch or representative thereof and said dealer; or

(o) Being a manufacturer, factory branch, distributor, field representative, officer, agent or any representative whatsoever of such motor vehicle manufacturer or factory branch, who has unfairly, without due regard to the equities of said dealer and without just provocation, cancelled the franchise of any motor vehicle dealer. The nonrenewal of a franchise or selling agreement without just provocation or cause shall be deemed an evasion of this section and shall constitute an unfair cancellation.

(2) The licensor may without notice deny the application for a license within thirty days after receipt thereof by written notice to the applicant, stating the grounds for such denial. Upon request by the applicant whose license has been so denied, the licensor shall set the time and place of hearing a review of such denial, the same to be heard with reasonable promptness.

(3) No license shall be suspended or revoked except after a hearing thereon. The licensor shall give the licensee at least thirty days' notice of the time and place of hearing and of the charges against it.

(4) The department may inspect the pertinent books, letters, records and contracts of a licensee.

(5) If a licensee is a firm or corporation, it shall be sufficient cause for the denial, suspension or revocation of a license that any officer, director or trustee of the firm or corporation, or any member in case of a partnership, has been guilty of any act or omission which would be cause for refusing, suspending or revoking a license to such party as an individual. Each licensee shall be responsible for the acts of any or all of his salesmen while acting as his agent, if such licensee

approved of or had knowledge of said acts or other similar acts and after such approval or knowledge retained the benefit, proceeds, profits or advantages accruing from said acts or otherwise ratified said acts.

(6) Any licensee or other person in interest being dissatisfied with an order of the department may appeal to the Franklin Circuit Court and to the Court of Appeals in the manner provided by KRS 281.780 and 281.785.

Section 4. A new section of KRS 190.010 to 190.080 is created to read as follows:

The license fee for each calendar year, or part thereof, shall be as follows, effective January 1, 1959.

(1) For motor vehicle dealers, twenty-five dollars for each office or branch or agent thereof, plus one dollar for a supplemental license for each used car lot not immediately adjacent to the office or to a branch.

(2) For distributors or wholesalers, the same as for dealers.

(3) For motor vehicle salesmen, five dollars.

(4) For motor vehicle manufacturers, one hundred dollars; and for each factory branch in this state, one hundred dollars.

(5) For factory representative or distributor branch representative, five dollars.

(6) Any person licensed under subsection (1) may also operate as a motor vehicle dealer, without any additional fee or license.

Section 5. A new section of KRS 190.010 to 190.080 is created to read as follows:

All moneys collected under the provisions of KRS 190.010 to 190.080 shall be paid into the State Treasury and credited to a trust and agency fund which is hereby appropriated to the use of the Department of Motor Transportation solely for the administration and enforcement of KRS 190.010 to 190.080 and 190.990.

Section 6. A new section of KRS 190.010 to 190.080 is created to read as follows:

It shall be unlawful for any motor vehicle salesman licensed under this chapter to sell or exchange, or offer or attempt to sell or exchange any motor vehicle except for the licensed motor vehicle dealer by whom he is employed, or to offer, transfer or assign any sale or exchange that he may have negotiated to any other dealer or salesman.

Section 7. A new section of KRS 190.010 to 190.080 is created to read as follows:

It shall be unlawful for any motor vehicle dealer or salesman licensed under the provisions of this chapter, directly or indirectly, to solicit the sale of a motor vehicle through a pecuniarily interested person; or to pay, or cause to be paid, any commission or compensation in any form whatsoever to any person in connection with the sale of a motor vehicle, unless such person is duly licensed as a salesman in the employ of such dealer.

The Committee on Appropriations and Revenues reported **HB 401** and **HB 241** with the expression of opinion that the same should pass with Committee amendments. Read at length for the first time and ordered placed in the Calendar.

HB 401, AN ACT relating to compensation of state officers and employes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 64.640 of the Kentucky Revised Statutes is repealed and re-enacted to read as follows:

(1) Except as otherwise provided in Section 2, the Department of Personnel shall prepare a schedule of compensation, payable out of the state treasury, with a minimum and maximum salary rate and such intermediate salary rates as are deemed necessary or advisable for the office or position of employment of every state officer and employe, including specifically the officers and positions of employment in every constitutional administrative department, statutory administrative department, independent agency or other unit of state government, but excluding specifically officers elected by popular vote, commissioners of the Court of Appeals, employes of the General Assembly, including employes of the Legislative Research Commission, members of boards and commissions and presidents and employes of the University of Kentucky and the state colleges.

(2) Such schedule shall be based upon studies of the duties and responsibilities of the offices and positions and upon a comparison with rates being paid for similar or comparable services elsewhere and in the preparation of such schedules, the Department of Personnel shall ascertain and record the duties, responsibilities and authority pertaining to the various offices and positions in state service, and classify such positions in the manner provided in Chapter 18 of the Kentucky Revised Statutes. No such schedule shall become effective until it has been approved by the Governor.

Section 2. A new section of the Kentucky Revised Statutes is created to read as follows:

The Governor shall set the compensation payable out of the state treasury to each office or position in the state service hereinafter named but such compensation shall not exceed the following maximum sums:

(1) Commissioner of Banking, Commissioner of Motor Transportation, Commissioner of Conservation, Commissioner of Economic Development, Commissioner of Economic Security, Commissioner of

Finance, Commissioner of Health, Commissioner of Highways, Commissioner of Insurance, Commissioner of Alcoholic Beverage Control, Commissioner of Mental Health, Commissioner of Public Relations, Commissioner of Public Safety, Commissioner of Revenue, $12,000;

(2) Adjutant General, Administrator of Distilled Spirits Unit, Administrator of Malt Beverage Unit, Chief of the Department of Mines and Minerals, Commissioner of Aeronautics, Commissioner of Fish and Wildlife Resources, Commissioner of Industrial Relations, Commissioner of Personnel, Commissioner of Welfare, Director of Kentucky Crippled Children's Commission, Executive Director of the State Tuberculosis Sanitoria Commission, Manager of Kentucky State Fair, Reviser of Statutes, Chairman of Public Service Commission, $10,000;

(3) Members of the Public Service Commission of Kentucky other than the chairman, and of the Workmen's Compensation Board and heads of statutory departments and agencies other than those named in subsections (1) and (2), $7,500; and

(4) Advisory Highway Commissioners, $7,200.

Section 3. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) The compensation payable out of the State Treasury to officers and employes subordinate to any office or position listed in Section 2 shall not exceed the maximum rates established therein for such office or position except with respect to physicians as provided in KRS 64.655 and employes of the Public Service Commission of Kentucky whose compensation shall be fixed within constitutional limits by the Department of Personnel with the approval of the Governor as provided in Section 1.

(2) The compensation payable out of the state treasury to any subordinate officer or employe in any department, agency, board or commission of the state government not covered by subsection (1) and except elective officers and their employes shall not exceed $7,500 per annum, provided however that doctors of veterinary science may be paid not to exceed $10,000 per annum.

Section 4. A new section of the Kentucky Revised Statutes is created to read as follows:

Nothing in this Act shall preclude the allowance of maintenance to officers and employes of the Commonwealth.

Committee Amendment:

Amend printed copy of **HB 401** on page 2, section 2 (1), line 14 by adding "Commissioner of Welfare" immediately following the word "Revenue".

HB 241, AN ACT relating to taxation for education.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. (1) The County Board of Education of a county embracing a city of the first three classes or an independent board of education within such a county may, in addition to other taxes requested for school purposes, request the levy of not less than one cent nor more than fifty cents on each $100 valuation of property subject to local taxes to provide a special fund for the purpose of the purchase or lease of schools, sites and buildings, for the erection and complete equipping of new school buildings, for the major alteration, enlargement and complete equipping of existing buildings, for the purpose of retiring, directly or through rental payments school revenue bonds issued for such school building improvements and for the purpose of financing any program for the acquisition, improvement or building of schools and to accomplish any or all of said purposes, that such tax shall be in addition to the maximum school tax levy provided by KRS 160.475.

(2) The Board of Education shall inform the voters of the county of the period of time for which the levy shall run and the purposes for which said levy shall be expended including the amount of the levy.

Section 2. (1) In addition to or in lieu of this special tax, the board of education may pay into this special fund at the close of any fiscal year the proceeds from the sale of land or property no longer needed for school purposes and all or any balances remaining in the general fund over and above the amount necessary, for discharging obligations for the fiscal year in full.

(2) The special fund provided for herein shall be kept in a separate account designated as "School Building Fund". The fund shall be kept in the depository selected by the board of education, or invested in bonds of the United States, of this state, or county or municipality in this state, provided, however, that such investments shall be approved by the State Board of Education.

(3) All expenditures from such fund shall be made solely for the purposes enumerated herein and shall be made in accordance with the school laws of the state at such times as the board of education determines. The board of education shall cause to be made annually an audit of the building fund by a certified public accountant or by an accountant approved by the State Department of Education.

Committee Amendment:

Amend printed copy of **HB 241** on page 1, section 1, sub-1, line 2 by striking therefrom the word, three and inserting in lieu thereof the word two.

The Committee on Education reported **HB 371, HB 236, SB 40** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 371, AN ACT authorizing the appointment of an Assistant Attorney General for the Department of Education.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The Attorney General shall, with the approval of the Superintendent of Public Instruction, appoint an Assistant Attorney General whose duty shall be to act as legal counsel for the Department of Education. He shall be a licensed, practicing attorney of this State. The Department of Education shall furnish him office space and equipment, necessary books and stenographic assistance. He shall be compensated out of the appropriations of the Department of Education.

HB 236, AN ACT relating to social security, extending coverage to teachers.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 61.410 of the Kentucky Revised Statutes is amended to read as follows:

(1) In order to extend to certain employes of the Commonwealth and its political subdivisions, and interstate instrumentalities, not now members of public retirement systems, and to the dependents and survivors of such employes, the basic protection accorded to others by the Old-Age and Survivors Insurance System embodied in the Social Security Act, it is hereby declared to be the policy of the General Assembly to provide such protection to such employes, and their dependents and survivors, on as broad a basis as is permitted under the Social Security Act.

(2) Subject to the provisions of KRS 61.430 (6) and the Federal Social Security Act, as amended, and regardless of present coverage under a public retirement system, it is declared to be the policy of the General Assembly to extend the aforesaid protection to the employes of the state colleges enumerated in KRS 164.290 and to the teachers of any school district, and to their dependents and survivors.

Section 2. Section 61.420 of the Kentucky Revised Statutes is amended to read as follows:

For the purposes of KRS 61.410 to 61.500:

(1) "Wages" means all remuneration for employment as defined herein, including the cash value of all remuneration paid in any medium other than cash, except that such term shall not include that part of such remuneration which, even if it were for "employment" within

the meaning of Federal Insurance Contributions Acts, would not constitute "wages" within the meaning of that Act;

(2) "Employment" means any service performed by an employe in the employ of the Commonwealth, a political subdivision, or an interstate instrumentality, for such employer, except (a) service of an emergency nature, (b) service which in the absence of an agreement entered into under KRS 61.410 to 61.500 would constitute "employment" as defined in the Social Security Act, or (c) service which under the Social Security Act may not be included in any agreement between the Commonwealth and Federal Security Administrator entered into under KRS 61.410 to 61.500; provided, however, that service, the compensation for which is on a fee basis, may be excluded in any plan approved under KRS 61.410 to 61.500, and provided also, that service is any class of classes of positions, the exclusion of which is permitted under the Social Security Act, may be excluded in any plan approved under KRS 61.460;

(3) "Employe," in addition to its usual meaning, includes both elective and appointive officers of the Commonwealth, political subdivisions, or interstate instrumentalities;

(4) "State agency" means the Division of Personnel Security in the Department of Economic Security;

(5) "Federal Security Administrator" includes any individual to whom the Federal Security Administrator has delegated any of his functions under the Social Security Act with respect to coverage under such act of employes of states and their political subdivisions;

(6) "Political subdivision," in addition to counties, municipal corporations and school districts, includes instrumentalities of the Commonwealth, of one of more of its political subdivisions or of the Commonwealth and one or more of its political subdivisions, and any other governmental unit thereof;

(7) "Social Security Act" means the Act of Congress approved August 14, 1935, Chapter 531, 49 Stat. 620, officially cited as the "Social Security Act," including regulations and requirements issued pursuant thereto, as such act has been and may from time to time be amended;

(8) "Federal Insurance Contributions Act" means subchapter A of Chapter 9 of the Federal Internal Revenue Code as such Code has been and may from time to time be amended;

(9) "Secretary of Health, Education and Welfare" includes any individual to whom the Secretary of Health, Education and Welfare has delegated any of his functions under the Social Security Act, with respect to coverage under this Act, and with respect to any action taken prior to April 11, 1953, includes the Federal Security Administrator and any individual to whom such Administrator has delegated such functions; and

(10) "Teachers" means any full-time regular or special teacher, principal, supervisor, superintendent, assistant-superintendent, librarian, attendance officer, or other full-time member of the teaching or professional staff engaged in the service of the public elementary and secondary schools for whom certification is required as a condition of employment.

Section 3. Section 61.430 of the Kentucky Revised Statutes is amended to read as follows:

Consistent with the terms and conditions of KRS 61.410 to 61.500, the state agency, with the approval of the Governor, is hereby authorized to enter on behalf of the Commonwealth into an agreement with the Secretary of Health, Education and Welfare, for the purpose of extending the benefits of the Federal Old-Age and Survivors Insurance System to employes of the Commonwealth or any political subdivision thereof with respect to services specified in such agreement which constitute "employment" as defined in KRS 61.420. Such agreement may contain such provisions relating to coverage, benefits, contributions, effective date, modification and termination of the agreement, administration and other appropriate provisions as the state agency and Secretary of Health, Education and Welfare shall agree upon, but except as may be otherwise required by or under the Social Security Act as to the services to be covered, such agreements shall provide in effect that:

(1) Benefits will be provided for employes whose services are covered by the agreement, and their dependents and survivors, on the same basis as though such services constituted employment within the meaning of Title II of the Social Security Act;

(2) The state will pay to the Secretary of the Treasury, at such time or times as may be prescribed under the Social Security Act, contributions with respect to wages equal to the sum of taxes which would be imposed by Sections 1400 and 1410 of the Federal Insurance Contributions Act if the services covered by the agreement constituted employment within the meaning of that Act;

(3) Such agreement or modification of such agreement shall be effective with respect to services performed after an effective date specified in the agreement or modification thereof but in no case prior to January 1, 1955 for cases where such agreement or modification is agreed to prior to January 1, 1958; for cases where such agreement or modification is agreed to during the years 1958 and 1959, the effective date specified in such agreement or modification shall not be earlier than January 1, 1956; and in no case prior to the first day of the calendar year in which such agreement or modification, as the case may be, is agreed to by the Secretary of Health, Education and Welfare and the Commonwealth after December 31, 1959;

(4) All services which constitute employment and are performed in the employ of the Commonwealth by employes of the Commonwealth shall be covered by the agreement;

(5) All services which (a) constitute employment, (b) are performed in the employ of a political subdivision of the state, and (c) are covered by a plan which is in conformity with the terms of the agreement and has been approved by the state agency under KRS 61.460, shall be covered by the agreement.

(6) (a) Such agreement or modification of such agreement, as permitted under the Social Security Act, shall include all services described in subsection (4) and performed by employes in positions covered by a retirement system at the various state colleges enumerated in KRS 164.290, and teachers of any school district, with respect to which the Governor has issued a certificate to the Secretary of Health, Education and Welfare pursuant to this subsection;

(b) With respect to state colleges enumerated in KRS 164.290, or upon petition of at least one-fifth of the teachers of any school district, the Governor shall authorize referendums and designate agencies or individuals to respectively supervise their conduct in accordance with the requirements of Section 218 (d) (3) of the Social Security Act and this subsection;

(c) Such referendum shall be conducted in conformity with the following conditions:

Each referendum shall be by secret, written ballot on the question of whether or not service in positions now covered by a public retirement system in the state college or school district shall be included under the agreement between the Governor and the Secretary of Health, Education and Welfare;

An opportunity to vote in such referendum shall be given and shall be limited to all eligible employes of such state college, or school district;

Not less than ninety days notice of such referendum shall be given to all such employes of the state college, or school district;

Such referendum shall be conducted under the supervision of an agency or individual designated by the Governor;

The proposal for coverage shall be approved only if a majority of the eligible employes of the state college, or school district vote in favor of including services in such positions under the agreement;

(d) Upon receiving satisfactory evidence that, with respect to any such referendum, the conditions specified in this subsection and Section 218 (d) (3) of the Social Security Act have been met, the Governor shall so certify to the Secretary of Health, Education and Welfare;

(7) For the purposes of this section, employes of each of the colleges enumerated in KRS 164.290 or school district shall be considered a separate coverage group.

SB 40, AN ACT relating to education, providing for a college in Hardin County.

WHEREAS, there is a serious need for the creation of a state college in Hardin County, for the purpose of alleviating the serious shortage of trained teachers within the Commonwealth, and to more fully carry into effect the provisions of Section 183 of the Constitution of Kentucky, by affording to the teachers and students of central Kentucky such training in the common school system, in the science and art of teaching, and in such other areas as may be deemed necessary and advisable, as will enable them to improve and render more efficient the administration of the common school system and raise the standards of instruction therein throughout the Commonwealth.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

There may be established and maintained a state college in the City of Elizabethtown, Kentucky, or the environs thereof, to be known as the "Elizabethtown State College". The "Elizabethtown State College" may be maintained in the same manner as the other state colleges presently existing within the Commonwealth.

The Committee on Education reported **HB 290** and **HB 156** with the expression of opinion that the same should pass with Committee amendments. Read at length for the first time and ordered placed in the Calendar.

HB 290, AN ACT relating to teacher's certificates.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Any teacher in the common school system of the Commonwealth who has taught for twenty or more consecutive years while holding a proper certificate issued by regulation of the State Board of Education or by statute, shall be granted a certificate by the State Board of Education valid for life.

Committee Amendment:

Amend printed copy of **HB 290** on line 3 by striking the word "proper" and inserting in lieu thereof the words "provisional or standard".

HB 156, AN ACT relating to education.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Any teacher who has completed at least one hundred and twenty-eight semester hours of college work, and has been granted a bachelor's degree in elementary education from an approved college, and has completed eight years of teaching in Kentucky shall be granted a certificate valid for life in the elementary schools of this state. No fee shall be charged for the issuance of such certificate.

Committee Amendment:

Amend printed copy of **HB 156** on line 4 by striking the words "eight years of teaching" and inserting in lieu thereof the words "six years of teaching".

The Committee on Education reported **HB 197** with a majority report expressing the opinion that the same should pass, and a minority report expressing the opinion that the same should not pass. Read at length for the first time and ordered placed in the Calendar.

HB 197, AN ACT relating to education.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Teachers who have earned credits towards masters or doctors degrees prior to the time wherein they became subject to time limitations for the completion of said work shall be entitled to and receive credit for work completed towards said degree.

The Committee on Judiciary, Executive and Legislative Affairs reported **HB 231, HB 249, HB 271, HB 272, HB 273, HB 300, HB 349, HB 359, HB 360, HB 365, SB 133, SB 75** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 231, AN ACT relating to the terms of court in the Thirty-sixth Judicial District.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The preamble and subsection (36) of Section 23.050 of the Kentucky Revised Statutes is amended to read as follows:

The regular term of each court shall commence in each county at the following named time, and continue, if the business requires it, the number of days hereinafter prescribed:

(36) Knott County at Hindman, on the first Monday in March, twenty-four juridical days; on the second Monday in May, twenty-four juridical days; on the fourth Monday in August, eighteen juridical days; and on the second Monday in November, thirty juridical days.

Magoffin County, at Salyersville, on the first Monday in February, eighteen juridical days; on the second Monday in April, eighteen juridical days; on the fourth Monday in June, twenty-four juridical days, and on the fourth Monday in September, twenty-four juridical days.

Section 2. This Act shall take effect on August 1, 1958.

HB 249, AN ACT relating to criminal law.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 433.230 of the Kentucky Revised Statutes is amended to read as follows:

Except where a different penalty is prescribed by law with respect to specific kinds of property, any person guilty of the larceny of money or other property of less value than twenty dollars, shall be fined not less than ten dollars nor more than two hundred dollars, or shall be imprisoned not less than one month nor more than twelve months, or both so fined and imprisoned.

HB 271, AN ACT relating to expenses of circuit judges.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 64.505 of the Kentucky Revised Statutes is amended to read as follows:

(1) Each regular circuit judge having a circuit court district composed of more than one county shall be allowed his actual expenses in discharging the duties of his office in all counties in his district other than the county of his residence.

(2) Each regular circuit judge, who is required by law to hold court at two cities within a county in which the judge resides, shall be allowed his actual expenses in discharging the duties of his office in that city which is the greatest distance from the actual residence of the judge.

(3) Each regular circuit judge, who serves as a special judge in another circuit court district, shall be allowed his actual expenses in discharging the duties of his office as a special judge.

(4) Claims for the expenses of circuit judges shall be submitted and allowed in the same manner as expenses of other officers and employes of the Commonwealth, but before such claims are allowed by the Department of Finance, they shall be approved by the Administrative Director of the Court of Appeals.

HB 272, AN ACT relating to special judges.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 23.290 of the Kentucky Revised Statutes is amended to read as follows:

(1) An attorney who serves as a special judge of a circuit court shall be paid such sum per day as would be the equivalent of the compensation received by the regular judge computed on a daily basis, counting each day as one three-hundredth's part of the judicial pay year and, in addition to such compensation, shall be allowed his actual expenses.

(2) Claims for compensation and expenses for service as a special judge shall be allowed and paid as provided by law for the payment of other claims against the Commonwealth, but before such claim is allowed the amount thereof and the number of days of service rendered, together with a statement of expenses, shall be entered upon the order book of the court over which the special judge presided, and an attested copy of the order shall be presented to and approved by the Chief Justice of the Court of Appeals.

HB 273, AN ACT relating to the Special Circuit Judge Fund.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 23.370 of the Kentucky Revised Statutes is amended to read as follows:

The Committee may invest all or any part of the Special Circuit Judge Fund not needed to compensate Special Circuit Judges in any of those securities and obligations specified in clauses (a), (b), (c), (d), (e), (f), (g) and (h) of subsection (1) of KRS 161.430 as amended by Chapter 215 of The Kentucky Acts, 1954. The Committee shall have authority to make pro rata reductions in the compensation payable under KRS 23.340 when necessary to prevent exhaustion of the fund.

HB 300, AN ACT relating to the terms of court in the twenty-third judicial district.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The preamble and subsection (23) of Section 23.050 of the Kentucky Revised Statutes is amended to read as follows:

The regular term of each court shall commence in each county at the following named time, and continue, if the business requires it, the number of days hereinafter prescribed:

(23) Twenty-Third District. Estill County, at Irvine, on the first Monday in February, the fourth Monday in May, and the third Monday in September, eighteen juridical days each.

Lee County, at Beattyville, on the fourth Monday in February, the third Monday in June, and the second Monday in November, eighteen juridical days each.

Owsley County, at Booneville, on the third Monday in March, the second Monday in July, and the first Monday in December, twelve juridical days each.

Section 2. Whereas, the next term of court to be held in Estill County is fixed for the fourth Monday in April, an emergency is hereby declared to exist and this Act shall become effective on April 1, 1958.

HB 349, AN ACT relating to domestic relations.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Kentucky Revised Statutes 403.040 is amended to read as follows:

(1) Cohabitation as man and wife, after knowledge of the adultery or lewd and lascivious behavior complained of, shall take away the right of divorce therefor.

(2) The court rendering a judgment for divorce may, at any time, annul it on the joint application of the parties, and restore the parties to the condition of husband and wife.

HB 359, AN ACT to repeal subsection (3) of Section 421.210 of the Kentucky Revised Statutes relating to order of proof in legal actions.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Subsection (3) of Section 421.210 of the Kentucky Revised Statutes is repealed.

HB 360, AN ACT to repeal subsection (2) of Section 455.090 of the Kentucky Revised Statutes relating to order of proof in criminal actions.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Subsection (2) of Section 455.090 of the Kentucky Revised Statutes is repealed.

HB 365, AN ACT relating to appeals from county, justice's and police courts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 362 of the Criminal Code of practice is amended to read as follows:

If a judgment against a defendant on a trial before a county judge, or in a justice's court, or in a city or police court, unless otherwise provided in the statutes creating or regulating it, be for imprisonment or for a fine of twenty dollars or more, he shall have the right of appeal to the circuit court of the county in which the judgment is rendered:

Provided, also that an appeal shall lie from the Juvenile session of the County Court to the Circuit Court from all orders and judgments whereby any infant, or other person, shall be restrained of his liberty, or placed in the custody of any institution, or fined, or punished, in any manner, whether in a criminal or quasi-criminal, civil, or other proceeding, and said appeal shall be prosecuted in the manner provided by this chapter, except that the transcript when filed in the office of the Clerk of the Circuit Court shall be accompanied by a motion for an appeal, supported by an affidavit of merits, signed by the appellant, or if he be an infant, by his parent or guardian, or if such infant have no parent or guardian, then by his next friend, which affidavit shall state the nature of the controversy involved; that is to say, whether one of law or fact, and if one of fact, the nature and extent of the facts in controversy, so as to enable the Circuit Court or the presiding judge thereof to determine whether an appeal shall be allowed or denied.

Be it further provided that an appeal may be taken to the Circuit Court from the judgment of any of the courts herein set out, where the judgment requires the execution of any bond, with or without surety, for keeping the peace for any period of time.

SB 133, AN ACT relating to terms of court for the thirty-fourth judicial district.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The preamble and subsection (34) of Section 23.050 of the Kentucky Revised Statutes is amended to read as follows:

The regular term of each court shall commence in each county at the following named time, and continue, if the business requires it, the number of days hereinafter prescribed:

(34) Whitley County, at Williamsburg, on the second Monday in January, the second Monday in April, the second Monday in June, and the first Monday in October, twenty-four juridical days each.

McCreary County, at Whitley City, on the third Monday in February, twenty-four juridical days; the second Monday in May, eighteen juridical days; the first Monday in September, twenty-four juridical days, and the second Monday in November, twenty-four juridical days each.

SB 75, AN ACT relating to the terms of court for the forty-sixth judicial district.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The preamble and subsection (46) of Section 23.050 of the Kentucky Revised Statutes is amended to read as follows:

The regular term of each court shall commence in each county at the following named time, and continue, if the business requires it, the number of days hereinafter prescribed:

(46) Grayson County, at Leitchfield, on the first Monday in January, the first Monday in April, and the first Monday in September, twenty-four juridical days each.

Meade County, at Brandenburg, on the first Monday in February, the first Monday in May, and the first Monday in October, twenty-four juridical days each.

Breckinridge County, at Hardinsburg, on the first Monday in March, the first Monday in June, and the first Monday in November, twenty-four juridical days each.

The Committee on Judiciary, Executive and Legislative Affairs reported **HB 220** with the expression of opinion that the same should pass with Committee amendment. Read at length for the first time and ordered placed in the Calendar.

HB 220, AN ACT pertaining to county courts and juvenile sessions thereof.

WHEREAS, certain words and terms appearing in Chapter 208 of the Kentucky Revised Statutes need defining; and

WHEREAS, the jurisdiction of county courts and the juvenile division thereof need clarification; and

WHEREAS, certain omissions and insertions in the existing law relative to the powers of county courts in juvenile session and of other courts over children, penalties and contribution of parents to support children need to be made in Sections 208.010, 208.020, 208.110, 208.170, 208.200, 208.230, 208.280, 208.320, 208.400, and 208.990 of the Kentucky Revised Statutes:

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 208.010 of the Kentucky Revised Statutes is amended to read as follows:

As used in KRS 208.010 to 208.590 and 208.990, unless the context otherwise requires:

(1) "Department" means the Department of Welfare.

(2) "Child" means any person who has not reached his eighteenth birthday.

(3) "Court" means the juvenile session of the county court.

(4) "Child Welfare Worker" shall mean any employee of the Department of Economic Security designated as such by the Commissioner of the Department of Economic Security or social worker employed by a county or city who has been approved by the Department of Economic Security to handle, under its supervision, services to children.

(5) "Dependent child" has the same meaning as in KRS 199.011.

(6) "Abandoned child" has the same meaning as in KRS 199.011.

(7) "Needy child" as used in this chapter means one in want and deprived of the necessities for living; the education required by law; or the supervisory, medical, phychiatric, psychological, or other care necessary for his well being.

Section 2. Section 208.020 of the Kentucky Revised Statutes is amended to read as follows:

(1) The court of each county shall have exclusive jurisdiction in proceedings concerning any child living or found within the county who:

(a) Has committed a public offense;

(b) Who is unmanageable or ungovernable and beyond the control of his parents or other custodian; or

(c) Whose acts of commission or omission, behavior, occupation, environment or associations are such as to injure its welfare or that of others and to require, for its good and possible reformation, that it be taken into custody and surrounded by proper moral training and influences to make it, if possible, a good and reputable citizen.

(2) Needy, dependent or neglected children and any child who has been found to fall within the purview of subsection (1)(b) or (1)(c) of this section shall be dealt with by the county court or the juvenile court as provided by KRS 200.110.

(3) The juvenile sessions of the county courts of each county shall have jurisdiction concurrent with quarterly, police and magistrate's courts of:

(a) Any person knowingly encouraging, aiding, causing, or in any manner contributing to the conditions which cause or tend to cause a child to become delinquent, neglected, dependent or charged with a crime.

(b) Any person having custody of a child willfully failing to do any act that will directly tend to prevent such child becoming delinquent, neglected, dependent or charged with a crime.

(4) Nothing in KRS 208.010 to 208.590 shall deprive other courts of the right to determine the custody of children upon writs of habeas corpus, or to determine the custody or guardianship of children when such custody or guardianship is incidental to the determination of other causes pending in such other courts; nor shall anything in KRS 208.010 to 208.590 affect the jurisdiction of circuit courts over adoptions and over proceedings for termination of parental rights.

Section 3. Section 208.110 of the Kentucky Revised Statutes is amended to read as follows:

(1) The law relating to the persons by whom and the circumstances under which a person may be arrested for a public offense shall be applicable to children, but the taking of a child into custody under such law shall not be termed an arrest, and a child after having

been taken into custody shall be dealt with as provided in KRS 208.010 to 208.590. The law relating to bail shall not be applicable to children detained in accordance with KRS 208.010 to 208.590.

(2) When a peace officer has taken or received a child into custody on a charge of committing a public offense, the officer shall notify the parent, guardian or custodian of the child as soon as possible. Unless the nature of the offense or other circumstances are such as to indicate the necessity of keeping the child in secure custody, or unless other directions have been given by the court, the officer shall release the child to the custody of his parent or other responsible adult upon the written promise, signed by such person, to bring the child to the court at a stated time or at such time as the court may direct. The written promise, accompanied by a written report by the officer, shall be submitted to the court forthwith. If the person fails to produce the child as agreed or upon notice from the court, a warrant may be issued for the apprehension of the person or of the child, or both.

(3) If the child is not released as provided in subsection (2) of this Section, the child shall be taken without delay to the court or to the detention facility. The officer shall as soon as possible thereafter make a written report to the court, stating the fact of such detention, the offense charged, and the reason why the child was not released to the parent. Pending further disposition of the case, the court may release the child to the custody of the parent or other responsible person or may continue to hold the child in detention, subject to further order, but no child shall be held in detention longer than four days, excluding Sundays and holidays, except pursuant to a written order signed by the judge.

(4) Unless the child has been released to the custody of his parent, guardian or custodian in accordance with subsection (2) or (3) of this Section, the parent, guardian or custodian shall be notified as provided in KRS 208.080 and 208.090, of the time and place set for holding a hearing concerning the child.

Section 4. Section 208.170 of the Kentucky Revised Statutes is amended to read as follows:

(1) If, during the course of any proceeding in the juvenile court, it appears that a child before the court has committed a felony, and at the time of the commission of the offense the child was sixteen years of age or older, or was less than sixteen years of age but the offense was one carrying a maximum penalty of twenty-one years or more, including death, and the court is of the opinion that the best interests of the child and of the public require that the child be tried and disposed of under the regular law governing crimes, the court in its discretion may make an order transferring the case to the circuit court of the county in which the offense was committed. No child shall be considered a felon for any purpose until transferred to, tried and convicted of a felony by the circuit court.

(2) When the juvenile court so transfers a case to the circuit court:

(a) If a grand jury considers the case and is satisfied there is sufficient evidence to indict the child, it may either return an indictment or may return a written report to the circuit court recommending that the child be committed to the department. If the court believes that such commitment would be proper, it may order the child committed to the department.

(b) If, during any stage of the trial in the circuit court, the child or his parent or guardian so requests, the judge in his discretion may stop the trial and commit the child to the department.

(c) If neither of the procedures specified in paragraphs (a) and (b) of the subsection are employed, the child shall be tried as any other defendant.

(d) While under the jurisdiction of the circuit court, the child shall be subject to bail the same as an adult.

(e) Any commitment to the department under paragraph (a) or (b) of this subsection shall be for an indeterminate period not to exceed the age of twenty-one.

Section 5. Section 208.200 of the Kentucky Revised Statutes is amended to read as follows:

(1) If in its decree the juvenile court finds that the child comes within the purview of KRS 208.020 (1), the court may, by order:

(a) Place the child on probation or under supervision in his own home or a suitable family home or boarding home, upon such conditions as the court shall determine. Probation shall not be ordered or administered as punishment, but as a measure for the protection, guidance and well-being of the child and his family. A child so placed on probation shall be subject to the visitation and supervision of a probation officer or a child welfare worker. Probation methods shall be directed to the discovery and correction of the basic causes of maladjustment and to the development of the child's personality and character, with the aid of the social resources of the community. A child so placed on probation shall remain subject to the jurisdiction of the juvenile court until he becomes twenty-one years of age, unless he is discharged prior thereto by the court.

(b) Commit the child to the custody or guardianship of a private or public institution or agency authorized to care for such children, or under the guardianship of a suitable person. Such commitment shall be until the age of twenty-one subject to the power of the court to discharge the child prior thereto. In committing a child to a private institution or agency the court shall select one that is approved by the Department of Economic Security and children committed to such an institution or agency shall be subject to the visitation and supervision of a probation officer or a child welfare worker.

(c) Commit the child to the department. Such commitment shall be for an indeterminate period not to exceed the age of twenty-one.

(2) If in its decree, the juvenile court finds that the child comes within the purview of KRS 208.020 (1), the court may dispose of the child as provided in subsection (1) (a), (1) (b) or (1) (c) of this section, except that if a child comes within the purview of KRS 208.020(1) (b) or KRS 208.020(1) (c), the court may not commit the child to the Department of Economic Security unless the Department of Economic Security has indicated to the court that it has facilities and funds available to care for the child and is willing to accept the commitment.

(3) In the event a child commits a new offense, the juvenile court shall have exclusive, original jurisdiction for the new offense and may modify all previous orders. Nothing in this section shall limit the jurisdiction of any other court in assuming jurisdiction of wards of the state between the ages of eighteen and twenty-one years of age who have committed another public offense after attaining the age of eighteen.

(4) If a child is disposed of as provided in paragraph (a) or (b) of subsection (1) of this section, the court may modify or set aside its order at any time, and direct that the child be otherwise disposed of in accordance with KRS 208.010 to 208.590.

(5) No adjudication by a juvenile court of the status of any child shall be deemed a conviction, nor shall such adjudication operate to impose any of the civil disabilities ordinarily resulting from a criminal conviction, nor shall any child be found guilty or be deemed a criminal by reason of such adjudication.

Section 6. Section 208.230 of the Kentucky Revised Statutes is amended to read as follows:

In support of any order or decree, the juvenile court may require the parents or other person having custody of a child, or any other person who has been found by the court to be causing, encouraging or contributing to the acts or conditions which bring the child within the provisions of KRS 208.020 to do any act required by law or to desist from doing any acts forbidden by law, when the court deems such requirement necessary for the welfare of the child. In cases of failure to comply with such requirement, the court may proceed against such persons as in cases of civil contempt.

Section 7. Section 208.280 of the Kentucky Revised Statutes is amended to read as follows:

If it appears that the parent of any child who has been found to fall within the purview of this chapter and who has been left in his own home or in the home of a relative, placed on probation or placed in a foster home or boarding home or in the care of a public or private institution or agency, or the department, is able to contribute to the support of the child, the court shall enter an order requiring the parent to pay a reasonable sum from time to time for the support, maintenance or education of the child. The order shall direct that the money be paid to the county clerk to be disbursed as ordered by the court or be paid to the person, institution, department or agency to which the child was committed or probated. On such application and on such notice as the court may direct, the court may make alterations in the requirement for contribution. The court may require the parent to give security for payment of the sums due, and shall have the powers of a court of equity in enforcing its orders. The enforcement of a sentence imposed on any parent who fails to comply with such an order of the court may be suspended at the discretion of the court, but the suspension may be revoked at the discretion of the court, upon the failure of the parent to obey further orders of the court.

Section 8. Section 208.320 of the Kentucky Revised Statutes is amended to read as follows:

(1) In counties containing a city of the first or second class, the county judge may appoint a chief probation officer of the juvenile court and such number of assistant probation officers, professional and clerical personnel as may be authorized by the fiscal court. Such officers shall receive reasonable salaries to be fixed by the fiscal court, and shall be allowed their actual and necessary expenses incurred in the performance of their duties. The salaries and expenses shall be paid out of the county treasury. The officers shall serve at the pleasure of the county judge. The officers shall be peace officers with all the powers of the sheriff in making arrests and carrying out the purposes of this Act. A probation officer or any peace officer may take into custody any child that he has reasonable grounds to believe is in violation of conditions of his or her probation, and detain such child for appropriate action by the court.

(2) In any county, the county judge may appoint or designate one or more discreet persons of good moral character to serve as volunteer probation officers of the juvenile court. Such officers shall serve during the pleasure of the judge and without compensation, except that the fiscal court may authorize the payment of compensation out of the county treasury to any such officers. Representatives of the Department of Economic Security or the Department of Welfare may be appointed or designated as such volunteer probation officers, but without compensation from county funds.

(3) If the Department of Economic Security deems it necessary, it may appoint a child welfare worker to cooperate with the court.

Section 9. Section 208.400 of the Kentucky Revised Statutes is amended to read as follows:

The Department shall be responsible for the operation, management and development of the existing state institutional physical facilities for the custodial care, reformation, education, and treatment of delinquent children. The department shall further be responsible for the development of such additional institutional physical facilities and other necessary physical facilities, such as forestry camps, farms or vocational training facilities, as are necessary to provide an adequate and modern program for the care, treatment, and rehabilitation of children committed to the state as delinquents under the juvenile court laws.

Section 10. Section 208.990 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person who violates KRS 208.120 shall be fined not less than one hundred dollars nor more than five hundred dollars, or imprisoned in the county jail for not more than thirty days, or both.

(2) Any person who transports or causes or permits a female child to be transported in violation of subsection (1) of KRS 208.260 shall be fined not less than one hundred dollars nor more than five hundred dollars.

(3) Any person who violates subsection (2) of KRS 208.260 shall be fined not more than one hundred dollars.

(4) Any person who knowingly encourages, aids, causes or in any manner contributes to the conditions which cause or tend to cause the child to become delinquent, neglected, dependent or charged with a crime, or any person having custody of a child who willingly fails to do any act which will directly tend to prevent such a child's becoming delinquent, neglected, dependent or charged with a crime:

(a) Shall be fined not more than five hundred dollars or imprisoned in the county jail or workhouse not more than twelve months, or both;

(b) Instead of the penalty imposed by paragraph (a) of this subsection, the court may suspend the sentence or release the defendant on probation for one year upon his recognizance, with or without sureties. The defendant may be ordered during the effective period of his probation to make his personal appearance in court, and shall provide and care for the child as directed by the court, and shall further comply with the orders of the court. If the court is satisfied on information or proof under oath that the defendant has violated the terms of the order, it may revoke the order and sentence him under the original order of conviction. Unless so sentenced, the defendant shall be discharged at the end of the year, and the conviction shall become void.

Section 11.

WHEREAS, inadequacies exist in the present revised statutes in the matter of jurisdiction of county courts and the juvenile division thereof, an emergency is declared to exist, and this Act shall become effective upon its passage and approval by the Governor.

Committee Amendment:

Amend printed copy of **HB 220** on page 11, section 9, lines 6 and

12. Strike out the word "delinquent" in line 6, and the word "delinquents" in line 12.

The Committee on Appropriations and Revenues reported **HB 158** and **HB 294** without expression of opinion.

Orders of the Day

Representative Paul Davis moved that action on **HB 120** be deferred, but that it retain its position in Orders of the Day. Agreed.

Representative Buchanan moved that **HR 36** be deferred, but that it retain its position in Orders of the Day. Agreed.

HB 149 taken from Orders of the Day. Representative Buchanan moved that it be read for the third time by title only and placed on passage. Agreed.

Representative Breckinridge moved to amend **HB 149** as follows:

Amend printed copy of **HB 149** on page 1, line 5 by inserting the word "forty" in lieu of the word "fifty".

Adopted.

HB 149 as amended read for the third time.

On roll call, the vote was: Yeas 84—Anderson, Arnold, Bach, Bartley, Barton, Baumgardner, Breckinridge, Brown, Buchanan, Buckner, Burke, Burress, Bush, Casey, Chaudoin, Clore, Coffey, Combs, E. E. Cook, M. W. Cook, Bill Cornett, P. W. Cornett, Cottengim, Crecelius, P. F. Davis, W. F. Davis, Dempsey, Duff, Everett, Farmer, Finney, Fitzpatrick, Ford, Greene, Gullette, Hahn, Hale, Haley, Hall, Hart, Henry, Hinkle, Hislope, Hodges, Hopkins, Huddleston, Isler, H. N. Johnson, Kincer, Kingsbury, Kubale, Lovelace, Lowman, McCallum, McGuire, McReynolds, Mackey, Newberry, Nunn, Ockerman, Parrish, Peace, Qualls, Ratcliffe, Rausch, Raybourne, Reed, C. R. Reynolds, R. Reynolds, Richards, Searcy, Smith, Sowards, Tanner, Tinsley, Ed Thomas, S. R. Thomas, Walsh, Wathen, Wells, Willen, Williams, Wirsch, Young. Nays 0.

HB 149 as amended was passed and the title agreed to.

HB 283 taken from Orders of the Day. Representative Hinkle moved that it be read for the third time by title only and placed on passage. Agreed.

HB 283 read for the third time.

On roll call, the vote was: Yeas 82—Anderson, Arnold, Bach, Bartley, Barton, Baumgardner, Breckinridge, Brown, Buchanan, Buckner, Burke, Burress, Casey, Chaudoin, Clore, Coffey, Combs, E. E. Cook, M. W. Cook, Bill Cornett, P. W. Cornett, Cottengim, Crecelius, P. F. Davis, W. F. Davis, Duff, Farmer, Finney, Fitzpatrick, Ford, Greene, Gullette, Hahn, Hale, Haley, Hall, Hart, Henry, Hinkle, Hislope, Hodges, Hopkins, Huddleston, Isler, H. N. Johnson, Huston Johnson, Kingsbury, Kubale, Lovelace, Lowman, Lyon, McCallum, McGuire, McReynolds, Mackey, Newberry, Nunn, Ockerman, Parrish, Peace, Qualls, Ratcliffe, Rausch, Ray, Raybourne, Render, C. R. Reynolds, Richards, Searcy, Smith, Sowards, Tanner, Tinsley, Ed Thomas, S. R. Thomas, Walsh, Wathen, Wells, Willen, Williams, Wirsch, Young. Nays 0.

HB 283 was passed and the title agreed to.

HB 133 taken from the Clerk's desk and again placed on passage, on motion of Representative Lyon.

Committee Amendment No. 1 rejected by voice vote.

Representative Ray's Amendment No. 2 rejected by voice vote.

Representative Ray moved to amend **HB 133** as follows:

Amend printed copy of **HB 133** on page 1 and 2, section 1, lines 9 through 16 by striking immediately following the word "court", the balance of line 9 and all of lines 10, 11, 12, 13, 14, 15 and 16, and substituting therefor the following: "except that in counties containing a city of the first or second class, he shall be a licensed attorney. He shall receive a salary to be fixed by the fiscal court which shall not exceed the compensation of the County Judge. The salary of the commissioner shall be paid in the same way the County Judge is paid."

Adopted.

Representative Williams moved to amend **HB 133** as follows:

Amend printed copy of **HB 133** on page 2, by adding immediately after Section 1 the words:

"Section 2. Whereas the lack of criminal jurisdiction in the justice's courts of the Commonwealth has increased the criminal dockets in county courts and quarterly courts, creating a need for trial commissioners, an emergency is declared to exist and this Act shall take effect upon its approval by the Governor."

Adopted.

HB 133 with amendments read at length for the third time.

On roll call, the vote was: Yeas 63—Anderson, Arnold, Barton, Baumgardner, Breckinridge, Buchanan, Buckner, Burke, Bush, Casey, Chaudoin, Clore, Combs, E. E. Cook, M. W. Cook, Crecelius, P. F. Davis, Duff, Farmer, Fitzpatrick, Ford, Gay, Greene, Gullette, Hahn, Hale, Haley, Hall, Hart, Henry, Hinkle, Hopkins, Huddleston, Isler, Kingsbury, Lowman, Lyon, McCallum, McGuire, McReynolds, Ockerman, Parrish, Peace, Qualls, Ratcliffe, Rausch, Ray, Raybourne, Reed, Render, C. R. Reynolds, R. Reynolds, Richards, Searcy, Smith, Steiger, Tanner, Walsh, Wathen, Wells, Williams, Wilson, Young. Nays 8—Bill Cornett, Cottengim, Dempsey, Hislope, Mackey, Ed Thomas, S. R. Thomas, Willen.

Representative Williams moved to amend the title as follows:

Amend **HB 133** on page 1 in the title by adding immediately after the word "court" the words: "and declaring an emergency to exist."

Adopted.

HB 133 was passed as amended and the title agreed to.

HB 284 taken from Orders of the Day. Representative Hinkle moved that it be read for the third time by title only and placed on passage. Agreed.

HB 284 read for the third time.

On roll call, the vote was: Yeas 38—Arnold, Barton, Baumgardner, Buchanan, Burke, Burress, Bush, Casey, Clore, M. W. Cook, Crecelius, P. F. Davis, Farmer, Fitzpatrick, Ford, Hahn, Henry, Hinkle, Hopkins, Huddleston, Kincer, McGuire, McReynolds, Mackey, Newberry, Ratcliffe, Rausch, Ray, Render, C. R. Reynolds, R. Reynolds, Richards, Searcy, Stith, S. R. Thomas, Wells, Willen, Wilson. Nays 30—Bach, Bartley, Billington, Brown, Coffey, Combs, E. E. Cook, P. W. Cornett, W. F. Davis, Finney, Hale, Haley, Hodges, H. Nick Johnson, Lovelace, McCallum, Nunn, Ockerman, Peace, Qualls, Raybourne, Rayburn, Reed, Smith, Sowards, Ed Thomas, Wathen, Whitehead, Wirsch, Young.

HB 284 was defeated.

Representative Brown moved that the rules be suspended to permit **HB 294** to be given its first reading, report of the Committee notwithstanding. On roll call to suspend the rules, the vote was: Yeas 45—Bach, Bartley, Barton, Brown, Buchanan, Buckner, Burress, Chaudoin, Clore, Coffey, P. W. Cornett, W. F. Davis, Dempsey, Duff, Finney, Gay, Greene, Hale, Hall, Hart, Hinkle, Hislope, Hodges, Isler, H. N. Johnson, Kincer, Lyon, McReynolds, Mackey, Newberry, Peace, Qualls, Rayburn, Reed, Render, C. R. Reynolds, R. Reynolds, Searcy, Sowards, Stith, Wells, Whitehead, Willen, Wilson, Wirsch. Nays 8—Anderson, Breckinridge, Combs, Crecelius, Ford, Ockerman, Wathen, Young.

Motion rejected for lack of required majority.

HB 255 taken from Orders of the Day. Representative Everett moved that it be read for the third time by title only and placed on passage. Agreed.

Representative Searcy moved to amend **HB 255** as follows:

Amend printed copy of **HB 255** on page 1, section 1, line 2 after the word "maintenance" insert the words "construction and reconstruction".

Adopted.

Representative Searcy moved to amend **HB 255** as follows:

Amend printed copy of **HB 255** on page 1, section 1, line 3 after the word "made" insert the following: "as herein provided only and subject to the provisions of KRS 176.070".

Adopted.

HB 255 as amended read for the third time.

On roll call, the vote was: Yeas 12—Barton, Chaudoin, Bill Cornett, Hall, Ford, McCallum, Nunn, Parrish, Searcy, Steiger, Williams, Young. Nays 80—Anderson, Arnold, Bach, Bartley, Baumgardner, Billington, Breckinridge, Brown, Buchanan, Buckner, Burke, Burress, Bush, Casey, Clore, Coffey, Combs, E. E. Cook, M. W. Cook, P. W. Cornett, Cottengim, Crecelius, P. F. Davis, W. F. Davis, Dempsey, Duff, Everett, Farmer, Finney, Fitzpatrick, Gay, Greene, Gullette, Hahn, Hale, Haley, Hart, Henry, Hinkle, Hislope, Hodges, Hopkins, Huddleston, Isler, H. N. Johnson, Kincer, Kingsbury, Kubale, Lovelace, Lowman, Lyon, McGuire, McReynolds, Mackey, Newberry, Ockerman, Peace, Qualls, Ratcliffe, Rausch, Ray, Raybourne, Rayburn, Reed, Render, C. R. Reynolds, R. Reynolds, Richards, Smith, Sowards, Stith, Tanner, Walsh, Wathen, Weintraub, Wells, Whitehead, Willen, Wilson, Wirsch.

HB 255 was defeated.

Representative Everett moved that the House adjourn until 1:00 p.m., February 26. On roll call, the vote was: Yeas 41—Anderson, Bach, Bartley, Brown, Buchanan, Buckner, Burress, Bush, Chaudoin, Clore, Combs, E. E. Cook, Cottengim, W. F. Davis, Everett, Finney, Fitzpatrick, Gullette, Hale, Haley, Hart, Henry, Hinkle, Hodges, H. N. Johnson, Kincer, Kubale, McReynolds, Newberry, Parrish, Qualls, Rayburn, Reed, C. R. Reynolds, R. Reynolds, Richards, Smith, Sowards, Stith, Willen, Wirsch. Nays 43—Arnold, Barton, Baumgardner, Breckinridge, Burke, Casey, M. W. Cook, Bill Cornett, P. W. Cornett, Crecelius, P. F. Davis, Dempsey, Farmer, Ford, Hahn, Hall, Hislope, Hopkins, Huddleston, Isler, Kingsbury, Lovelace, Lowman, Lyon, McCallum, McGuire, Mackey, Nunn, Ockerman, Ratcliffe, Rausch, Ray, Raybourne, Render, Searcy, Steiger, Tanner, Walsh, Wathen, Wells, Whitehead, Williams, Young.

Motion rejected.

HR 41 taken from Orders of the Day. Representative Marlow Cook moved that it be read for the third time by title only and placed on passage. Agreed.

On roll call, the vote was: Yeas 64—Anderson, Arnold, Bach, Barton, Billington, Breckinridge, Brown, Buchanan, Buckner, Burke, Burress, Casey, Chaudoin, Clore, Coffey, Combs, E. E. Cook, M. W. Cook, Bill Cornett, Cottengim, Crecelius, P. F. Davis, W. F. Davis, Dempsey, Duff, Farmer, Finney, Gay, Greene, Gullette, Hahn, Haley, Hall, Hart, Hopkins, Kincer, Lovelace, McCallum, McGuire, Mackey, Newberry, Parrish, Peace, Qualls, Ratcliffe, Rausch, Ray, Raybourne, Rayburn, Reed, Render, R. Reynolds, Richards, Smith, Sowards, Steiger, Stith, Tinsley, Walsh, Wathen, Wells, Willen, Wirsch, Young. Nays 0.

HR 41 adopted.

HB 270 taken from Orders of the Day. Representative Gullette moved that it be read for the third time by title only and placed on passage. Agreed.

Representative Gullette moved to amend **HB 270** as follows:

Amend printed copy of **HB 270** on page 1, section 2, line 8 by inserting after the word "heat," the phrase: "automobile expenses not reimbursable under KRS 64.505,"

Adopted.

HB 270 as amended read at length for the third time.

On roll call, the vote was: Yeas 69—Anderson, Arnold, Bach, Bartley, Barton, Baumgardner, Breckinridge, Buchanan, Burke, Burress, Casey, Chaudoin, Clore, Coffey, M. W. Cook, Bill Cornett, Cottengim, Crecelius, P. F. Davis, Dempsey, Duff, Everett, Farmer, Fitzpatrick, Greene, Gullette, Hahn, Hale, Haley, Hall, Hart, Henry, Hinkle, Hopkins, Isler, Kincer, Kingsbury, Kubale, Lovelace, Lowman, Lyon, McCallum, McGuire, McReynolds, Mackey, Moore, Ockerman, Parrish, Peace, Qualls, Ratcliffe, Rausch, Ray, Raybourne, Rayburn, Render, R. Reynolds, Richards, Smith, Sowards, Steiger, Stith, Tanner, Tinsley, Wathen, Willen, Williams, Wirsch, Young. Nays 2—Ford, Wells.

HB 270 was passed as amended and the title agreed to.

Representative Huddleston moved that the rules be suspended to apply the "clincher" motion to **HB 255**. Agreed.

Representative Huddleston moved that the vote by which **HB 255** was defeated be reconsidered and said motion laid on the table. Agreed.

Reference of Bills and Resolutions

The Speaker announced the referral of the following bills and resolutions:

Agriculture and Conservation: **HB 479, HR 74.**

Appropriations and Revenues: **HB 423, HB 433, HB 436, HB 440, HB 442, HB 444, HB 443, HB 445, HB 446, HB 461, HB 466, HB 470, HB 476, HR 71, HR 72.**

Banking and Insurance: **SB 86.**

Claims: **HR 75, HR 80.**

Education: **HB 459.**

Judiciary, Executive and Legislative Affairs: **HB 428, HB 429, HB 430, HB 432, HB 447, HB 448, HB 449, HB 450, HB 451, HB 452, HB 453, HB 454, HB 455, HB 456, HB 457, HB 458, HB 469, SB 84.**

Labor and Industry: **HB 419, HB 424, HB 431, HB 441, HB 473, HB 478, SB 130, SB 155.**

Municipal and County Government: **HB 420, HB 421, HB 422, HB 434, HB 435, HB 460, HB 463, HB 474, HB 477.**

Suffrage, Elections and Constitutional Amendments: **HB 462.**

Transportation and Highways: **HB 425, HB 426, HB 427, HB 467.**

Ways and Means: **HB 437, HB 438, HB 439, HB 464, HB 465, HB 468, HB 471, HB 472, HB 475, HR 73.**

Introductions

The following Bills and Resolutions were introduced:

HB 480, by Representative Stith, AN ACT relating to the State Fair Board.

HB 481, by Representative Breckinridge, AN ACT proposing to amend the Constitution of the Commonwealth of Kentucky relating to sessions of the General Assembly, involving Sections 36 and 42 thereof.

HB 482, by Representative Lovelace, AN ACT relating to releases of chattel mortgages and providing a penalty therefor.

HB 483, by Representative Clore, AN ACT relating to compensation of local officers and employes.

HB 484, by Representative Clore, AN ACT relating to compensation of officials in cities of the second, third, and fourth classes.

HB 485, by Representative Kubale, AN ACT relating to the uniform narcotic drug act.

HB 486, by Representative Russell Reynolds, AN ACT proposing to amend Section 170 of the Constitution of Kentucky relating to exemption of property from taxation.

HB 487, by Representative H. Nick Johnson, AN ACT relating to crimes and punishments.

HB 488, by Representative Gay, AN ACT changing the classification of the city of Hyden, in Leslie County.

HB 489, by Representatives Tanner, Fitzpatrick, AN ACT relating to morality.

HB 490, by Representative Bach, AN ACT relating to real estate brokers and salesmen.

HB 491, by Representatives S. R. Thomas, Hinkle, Mackey, Parrish, Kincer, Ed Thomas, Hale, AN ACT relating to insurance companies.

HB 492, by Representative Bill Cornett, AN ACT relating to strip mining.

HB 493, by Representative W. F. Davis, AN ACT relating to administration of estates.

HR 76, by Representatives Hahn, Finney, Young, A JOINT RESOLUTION authorizing and directing payment of a claim of the Rocky Creek Lake Club, Incorporated.

HR 78, by Representative Bill Cornett, A CONCURRENT RESOLUTION urging the Congress to remove present limits on matching state funds for old-age assistance.

HR 79, by Representative Bill Cornett, A JOINT RESOLUTION authorizing and directing the Public Service Commission to make an investigation to determine the reason for price variances on natural gas at the well head and on resale to consumers in Knott County.

HR 80, by Representative Fitzpatrick, A JOINT RESOLUTION authorizing civil action against the Commonwealth of Kentucky and the Department of Highways, or either, in the interest of J. C. Metz and Martha Geraldine Metz.

Representative Marlow Cook moved that the House adjourn until 1:00 p.m., February 26. Agreed.

WEDNESDAY, FEBRUARY 26, 1958

FORTIETH LEGISLATIVE DAY

The House was called to order by the Speaker, Mr. Weintraub.

Invocation by the Reverend Samuel Elmore Blackard, of the Church of the Ascension (Episcopal), of Frankfort.

The roll was called. All members present except Casey, Farmer, Howard, Huston Johnson, Lovelace, Miller, Nunn, Rayburn.

Representative Chaudoin moved that absent members be extended leaves of absence. Agreed.

Representative Lyon moved that the reading of the Journal for February 25 be dispensed with and the same approved. Agreed.

Representative Buchanan moved that **HB 294** be read into the Calendar.

Motion ruled out of order by the Speaker.

Recess

Reverend Anderson moved that the House recess for fifteen minutes for Committee meetings. Agreed. At the appointed hour the Speaker resumed the Chair and called the House to order.

Reconsideration

Representative Ockerman moved that the vote by which **HB 284** was defeated be reconsidered. Agreed.

Representative Ockerman moved that **HB 284** be placed on passage. Agreed.

Mr. Ockerman moved to amend **HB 284** as follows:

Amend printed copy of **HB 284** on page 2, section 1, lines 19 through 23 by striking all after the word "filled" and substituting the following:
In addition, before a candidate's name can be printed on the ballot he must submit to the county court clerk an affidavit showing satisfactory educational qualifications in accordance with KRS 160.180.
Adopted.

HB 284 as amended read at length for the third time.

On roll call, the vote was: Yeas, 71—Anderson, Arnold, Bach, Barton, Baumgardner, Billington, Breckinridge, Buchanan, Buckner, Burke, Burress, Bush, Chaudoin, Clore, Coffey, Combs, E. E. Cook, Bill Cornett, P. W. Cornett, Cottengim, Crecelius, P. F. Davis, W. F. Davis, Duff, Everett, Farmer, Fields, Finney, Fitzpatrick, Ford, Gullette, Hahn, Haley, Hall, Henry, Hinkle, Hislope, Huddleston, Isler, Kincer, Kingsbury, Kubale, McCallum, McGuire, McReynolds, Mackey, Moore, Newberry, Ockerman, Parrish, Ratcliffe, Rausch, Raybourne, Reed, Render, C. R. Reynolds, Richards, Searcy, Smith, Sowards, Steiger, Stith, Tanner, Tinsley, Ed Thomas, S. R. Thomas, Wells, Willen, Williams, Wirsch, Young; Nays, 2—Hale, H. Nick Johnson.

HB 284 was passed and the title agreed to.

Senate Message

Senate message announcing passage of **SB 45, SB 51, SB 97, SB 99, SB 101, SB 103, SB 122, SB 138, SB 144, SB 154, SB 158, SB 167, SB 168, SB 176, SR 57, HB 16, HB 21, HB 25.**

Orders of the Day

Representative Everett moved that **HB 44** be taken from the Clerk's desk and placed at the top of the list for Orders of the Day. Agreed.

Representative Clore moved that **HB 76** be taken from the Clerk's desk and placed on passage. Agreed.

Representative Williams moved to amend **HB 76** as follows:

Amend printed copy of **HB 76** on page 1, section 1, line 4 by deleting the word "shall" and inserting the word "may" in lieu thereof.

Adopted.

Representative Render moved to amend **HB 76** as follows:

Amend printed copy of **HB 76** on page 1, section 1, line 4 after the word "may" and before the word "be" (insert these words) for the first offense.

Adopted.

Representative Render moved to amend **HB 76** as follows:

Amend printed copy of **HB 76** on page 1, section 1, line 5 after the word "dollars" delete the "period (.)" insert the "comma (,)" and add the following words: and for each subsequent offense he shall be fined not less than one hundred nor more than 500 dollars and imprisoned for not more than six months

Adopted.

HB 76 as amended read at length for the third time.

On roll call, the vote was: Yeas, 50—Anderson, Bartley, Barton, Baumgardner, Billington, Brown, Buchanan, Buckner, Bush, Chaudoin, Clore, Combs, E. E. Cook, Bill Cornett, P. W. Cornett, Crecelius, P. F. Davis, W. F. Davis, Dempsey, Duff, Ford, Gay, Gullette, Hahn, Haley, Hart, Hinkle, Hislope, Hodges, Hopkins, Lyon, McCallum, McGuire, McReynolds, Moore, Parrish, Peace, Qualls, Ratcliffe, Rayburn, Render, C. R. Reynolds, Smith, Stith, Tanner, Ed Thomas, Willen, Williams, Wilson, Wirsch; Nays, 24—Arnold, Bach, Breckinridge, Burke, Burress, Cottengim, Farmer, Fitzpatrick, Hale, Hall, Huddleston, Isler, H. Nick Johnson, Kingsbury, Kubale, Ockerman, Rausch, R. Reynolds, Richards, Searcy, Sowards, Steiger, Walsh, Wells.

HB 76 was passed as amended and the title agreed to.

Committee Substitute for **HB 29** taken from Orders of the Day. Representative Ed Thomas moved that it be read at length for the third time and placed on passage. Agreed.

Representative Ray moved to amend committee substitute for **HB 29** as follows:

Amend printed copy of Committee Substitute for **HB 29** on page 2, section 3(1), lines 6 through 8 by striking immediately following the words "public offense" all of the words in lines 6, 7, and 8, and substituting therefor the following:
"Except offenses involving alcoholic beverages and motor vehicles. The court shall not have jurisdiction in any prosecution of offenses involving alcoholic beverages or motor vehicles."

Amendment adopted.

HB 29 as amended read at length for the third time.

On roll call, the vote was: Yeas, 72—Arnold, Barton, Baumgardner, Billington, Buchanan, Burke, Burress, Chaudoin, Clore, Coffey, Combs, E. E. Cook, M. W. Cook, Bill Cornett, Crecelius, P. F. Davis, W. F. Davis, Duff, Fields, Finney, Fitzpatrick, Ford, Greene, Gullette, Hahn, Hale, Haley, Hall, Hart, Henry, Hinkle, Hopkins, Huddleston, Isler, Kincer, Kingsbury, Kubale, Lowman, Lyon, McCallum, McGuire, McReynolds, Mackey, Moore, Newberry, Ockerman, Parrish, Peace, Qualls, Ratcliffe, Rausch, Ray, Raybourne, Rayburn, Render, C. R. Reynolds, R. Reynolds, Richards, Searcy, Smith, Sowards, Steiger, Stith, Tanner, Tinsley, Ed Thomas, S. R. Thomas, Wathen, Wells, Willen, Williams, Young; Nays, 0.

HB 29 was passed and the title agreed to.

Representative Ed Thomas moved that the vote by which **HB 29** was passed be reconsidered and said motion laid on the table. Agreed.

Introductions

Representative Willen moved the adoption of **HR 81.** Adopted.

HR 81, by Representatives Willen, Richards, Coffey, Bartley, Ford, Hislope, Newberry.

A CONCURRENT RESOLUTION expressing appreciation of the General Assembly to the Temperance League of Kentucky, Incorporated and to the Reverend Walter C. House for providing programs for the Prayer-Fellowship Breakfasts.

WHEREAS, on each Wednesday morning throughout the period of the regular session of the 1958 General Assembly, members of said General Assembly have been privileged to join the Honorable A. B. Chandler, Governor of Kentucky, and the Honorable Harry Lee Waterfield, Lieutenant Governor of Kentucky, at a breakfast designated "Legislative Prayer-Fellowship Breakfast";

WHEREAS, upon many if not all of these occasions the members of the General Assembly have been entertained and edified by interesting and inspirational speakers and singers;

WHEREAS, the appearance of said speakers and singers was made possible by the Temperance League of Kentucky, Incorporated and by the Reverend Walter C. House; and

WHEREAS, it appears appropriate that the appreciation of the General Assembly be expressed to the Temperance League of Kentucky, Incorporated and the Reverend Walter C. House in such a manner as to make it known to all the citizens of the Commonwealth,

NOW, THEREFORE,

Be it resolved by the House of Representatives of the Commonwealth of Kentucky, the Senate Concurring therein:

Section 1. That the appreciation of the General Assembly of the Commonwealth of Kentucky be and is hereby expressed to the Temperance League of Kentucky, Incorporated and the Reverend Walter C. House for their efforts, individually and collectively, in presenting, at the Prayer-Fellowship Breakfasts throughout the 1958 session of the General Assembly, programs of general interest to the members of the 1958 General Assembly.

Report of Committees

The Committee on Municipal and County Government reported **HB 477, HB 130, HB 228, HB 307, HB 326, HB 399, HB 135, HB 357, HB 327** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 477, AN ACT relating to county commissioners.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 67.110 of the Kentucky Revised Statutes is amended to read as follows:

(1) Each county commissioner serving on a fiscal court may be paid out of the county treasury the following compensation for his services.

(a) In counties containing a city of the first class, a salary of six thousand dollars per annum, payable monthly.

(b) In counties containing a city of the second class, a salary of five thousand dollars per annum, payable monthly.

(c) In counties containing a city of the third or fourth class, a salary of not more than two thousand eight hundred dollars per annum, payable monthly.

(d) In other counties, the same compensation as justices of the peace received under KRS 64.530.

HB 130, AN ACT relating to sewer line improvements in cities.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Any city that undertakes a sewer line improvement, as defined in KRS 94.010 (2), under the provisions of KRS 94.291 to 94.325 shall have the alternative of providing, in the original ordinance adopted pursuant to KRS 94.295, that the improvement tax for such portion of the cost of the improvement as is to be assessed upon benefited property shall be apportioned and levied and be payable in two installments in accordance with the provisions of this Act. In such event KRS 94.316 to 94.322 shall not be applicable, but all of the other provisions of KRS 94.291 to 94.325, except where inconsistent with this Act, shall continue to be applicable to the improvement project.

Section 2. The first installment shall be based upon an estimate of the cost of the work and a certificate of apportionment based thereon, made and accepted before the opening of bids for the work. The estimate of cost and the certificate of apportionment shall be made, and the procedure upon the same shall be the same, as provided in KRS 94.309 for final certificates of apportionment, except (1) that any references in KRS 94.309 to inspection and acceptance of the "work" shall be deemed to refer to inspection and acceptance of the estimate of cost and certificate of apportionment, and (2) the tax levied upon the certificate against each lot or parcel of benefited property shall be in the amount of one-half of the estimated cost apportioned against such lot or parcel in the certificate of apportionment. The tax so levied shall be payable as prescribed in KRS 94.309, 94.313, 94.314 and 94.315.

Section 3. The levy of the first installment of the tax in accordance with Section 2 of this Act shall be so made that the tax will be payable before the commencement of work on the improvement. The proceeds of the tax shall be available for progress payments to the contractor in accordance with KRS 94.308.

Section 4. When the work has been completed a final certificate of apportionment shall be made and accepted in accordance with the provisions of KRS 94.309, apportioning the total cost of the improvement assessable upon benefited property. The amount of the tax levied under Section 2 of this Act against each lot or parcel shall be deducted from the amount of total cost apportioned against such lot or parcel, and a tax shall be levied in accordance with subsections (4) and (5) of KRS 94.309 for the balance, which tax shall be payable as provided in KRS 94.309, 94.313, 94.314 and 94.315.

Section 5. Whereas, in a number of cities a serious health problem exists because of the practical inability of the cities to finance sewer line improvements under the existing statutes, an emergency is declared to exist and this Act shall take effect upon its passage and approval by the Governor.

HB 228, AN ACT relating to annexation by third class cities.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 81.195 of the Kentucky Revised Statutes is amended to read as follows:

(1) Whenever a city of the third class located in two or more counties desires to annex any unincorporated territory, whether in the counties of its present location or any adjacent county, the city legislative body shall pass an ordinance accurately defining the boundary of the territory proposed to be annexed, declaring it to be desirable to annex the territory, and providing that the question of whether or not the territory shall be annexed shall be submitted to the qualified voters residing therein at the next regular election in which all of such voters may vote, if the next regular election is not held within sixty days after passage of the ordinance.

(2) The mayor of the city shall deliver a certified copy of the ordinance to the county clerk of the county in which the territory proposed to be annexed is located, or if such territory is located in more than one county, to the county clerks of such counties, who shall have printed on the ballots provided for use in each precinct embraced in whole or in part within the territory proposed to be annexed the question: "Are you in favor of being annexed to the City of ------------------?" Opposite the question shall be printed "Yes" and "No," with squares for stamping the cross mark to indicate the preference. If only a part of any precinct is embraced within the territory proposed to be annexed the clerk of the election shall mark an "X" with the black ink stencil in the squares opposite both words "Yes" and "No" upon the ballots of all persons voting who reside in the precinct but not within the territory proposed to be annexed, before he delivers the ballots to those voters. The clerk or clerks shall cause the sheriff or sheriffs to deliver to the election officers in each precinct in the appropriate counties copies of the ordinance to annex.

(3) If one-half or more of those voting on the proposition vote in favor of annexation, the city shall pass an ordinance declaring the territory annexed, and such territory shall then become part of the city.

(4) If less than one-half of those voting on the proposition vote in favor of annexation, the ordinance proposing annexation shall become ineffectual for any purpose.

HB 307, AN ACT relating to County Tax Commissioners and revenue and taxation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Kentucky Revised Statute 132.590 is amended to read as follows:

(1) The compensation of the county tax commissioner shall be computed on the basis of ten cents on each one hundred dollars of the first two million dollars and two cents on each one hundred dollars of the excess over two million dollars of the annual assessment. However, each county tax commissioner shall receive a minimum monthly payment of two hundred dollars as part or all of his compensation. Should a county tax commissioner for any reason vacate the office in any year during his term of office, any fees accruing to the office as compensation for the county tax commissioner shall be prorated and the commissioner shall be paid only for the calendar days actually served during the year.

(2) In counties in which the assessed value of property exceeds eight million dollars, the county tax commissioner's office shall be allowed by the state as compensation for deputies, other personnel, and for other authorized expenditures, two cents on each one hundred dollars of the property assessed in excess of eight million dollars; but the total sum allowed to any county tax commissioner's office as compensation for deputies, other personnel, and for other authorized expenditures shall not exceed twenty thousand dollars in any county except in a county having a city of the first or second class which shall be governed by KRS 132.630. The salary of deputies and other personnel shall be fixed by the county tax commissioner and shall be subject to the approval of the Department of Revenue. No state funds available to any county tax commissioner's office as compensation for deputies and other personnel or for other authorized expenditures shall be paid without authorization of the Department of Revenue prior to the employment by the tax commissioner of deputies or other personnel or the incurring of other expenses.

(3) Each county fiscal court shall annually appropriate and pay each fiscal year to the office of the county tax commissioner for deputy and other personnel allowance, supplies, maps and equipment, travel allowance for the tax commissioner and his deputies and other personnel, and other authorized expenses of the office, two hundred dollars for the first million dollars of assessment and one-half of one cent for each hundred dollars of assessment in excess of one million dollars; but the total sum to be paid by the fiscal court to any county tax commissioner's office shall not exceed twenty thousand dollars except in a county having a city of the first class which shall be governed by KRS 132.630. This allowance shall be based on the assessment as of the previous January 1.

(4) Each county tax commissioner shall at the end of each month file a claim with the fiscal court for the salaries of his deputies,

other personnel, and other expenses of his office incurred during the month which are reimbursable from county funds. The court shall order payment made provided the total of all claims filed with the court does not exceed the total sum available under this section. During county election years the county tax commissioner shall not be allowed to expend in excess of forty per cent of the allowances available to his office from county funds during the first five months of the fiscal year in which the general election is held.

(5) The county tax commissioner shall not receive for his personal services, incident to any assessment, more than $7,200 in any calendar year. However, the maximum compensation for any county tax commissioner shall not exceed the highest compensation, including salary and fees, approved by the fiscal court for any county official.

Section 2. Kentucky Revised Statute 132.630 is amended to read as follows:

(1) In counties containing a city of the first class the total amount allowed from state funds for salaries for the county tax commissioner, his deputies, and other personnel and all other authorized expenses of the office shall not exceed in the aggregate the amount determined under KRS 132.590.

(2) In counties containing a city of the second class the total amount allowed from state funds for salaries for deputies and other personnel and all other authorized expenses of the office shall not exceed forty thousand dollars, except that the Department of Revenue may authorize additional expenditures under KRS 132.600. However, the total amount allowed exclusive of allowances under KRS 132.600 shall not exceed in the aggregate the amount determined under KRS 132.590 or forty thousand dollars, whichever is smaller.

(3) In counties having a city of the first class the total amount allowed from county funds for salaries of deputies and other personnel and other authorized expenditures shall not exceed fifty thousand dollars.

Section 3. A new section of Kentucky Revised Statutes is hereby enacted to read as follows:

Whenever a vacancy occurs in the county tax commissioner's office, the Commissioner of Revenue may designate a person to carry on the duties of the office until such time as some person can be duly qualified and appointed. The person so designated shall be compensated on a pro rata basis for the calendar days served from funds made available to the office from the state under KRS 132.590. Such individual shall have all the powers and be subject to all the regulations applying to county tax commissioners. In no event shall the person designated to act as county tax commissioner by the Commissioner of Revenue serve in excess of ninety days unless otherwise qualified and appointed.

This Act shall become effective July 1, 1958.

HB 326, AN ACT relating to sewer construction districts and to construction and enlargement of sewer and drainage facilities, including treatment plants by issuance of revenue bonds as an alternate method of financing and enforcing collections under same by providing that water service may be required to be cut off if delinquent sewer bills are not paid.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That a new section or sections be added to Chapter 76, Kentucky Revised Statutes, reading as follows:

(1) (a) Any Sewer Construction District, created in the manner provided in KRS 76.300-76.325, both inclusive, may if the commissioners of such Sewer Construction District deem it feasible, build, or acquire or enlarge sewer or drainage facilities, including treatment plants, without resort to the right to levy assessments for the cost of such sewer or drainage facilities, including treatment plants, as is provided in KRS 76.340-76.365, both inclusive, and may obtain the funds with which to build, acquire or enlarge such system by the issuance of revenue bonds, payable solely from the revenue to be derived from the operation of such system.

(b) In the event the commissioners shall decide to finance the cost of such construction, acquisition or enlargement by the issuance of revenue bonds, secured solely by the revenue of the system, the commission shall note such decision by appropriate resolution, and shall thereafter proceed under the provisions of KRS 96.350 to 96.510, both inclusive, and the sewer construction district and the commission shall have the same powers and duties as a city of the second to sixth class inclusive under the provisions of KRS 96.350 to 96.510, both inclusive, the language referring to water works & water systems in the aforesaid Statutes to be read as sewers and drains including treatment plants.

(c) In the event such procedure is followed the commission shall not observe the provisions of KRS 76.340-76.364 both inclusive.

(2) If any district has previously issued bonds secured entirely or partially by the right to levy an assessment as provided by KRS 76.340-76.365, both inclusive, and such bonds are redeemed prior to maturity, bonds to refund same may be issued secured solely by the revenue of said systems in the manner provided in Section 1, above.

(3) Section 1 & 2 shall not repeal nor reduce any existing rights or duties of a sewer construction district, and the commissioners thereof, but shall constitute an additional and alternate method of financing.

(4) In the event a sewer construction district elects to proceed under sections 1 & 2 above it is granted the same authority relative

to the cutting off of the water supply of its delinquent users as is a Sanitation district under KRS 220.510, when written request for such cutting off is made by the commission to the water supplier. In the event this power is used the plans of the sewer district shall only require prior approval by the Metropolitan Sewer District as already provided in KRS 76.330, and in such event the water supplier may require the sewer commission to supply an agent with full authority to receive payments or accept arrangements to pay the delinquent charges, together with interest and penalties thereon, to be present when the water is cut off and the water supplier may bill the Sewer Commission its actual expenses involved.

HB 399, AN ACT relating to revision, codification and publication of city ordinances.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

A new section of Chapter 82 of the Kentucky Revised Statutes is created to read as follows:

(1) The legislative body of a city of any class may by ordinance authorize the department of law, corporation counsel or city attorney to revise and codify the ordinances of the city, and may fix reasonable compensation therefor in addition to his other compensation.

(2) The city legislative body may have such codification published in book or other form.

(3) This section is permissive and is in addition to the authority granted or conferred by any other statute relating to such matters.

HB 135, AN ACT to provide a merit system of employment for county employees in counties containing a city of the second class.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act unless the context requires otherwise:

(1) "Employee" means any person employed in the conduct of county affairs, other than elected officials and persons employed on an hourly, daily or seasonal basis, whose appointment is authorized by the fiscal court, including those persons holding full-time administrative or directorial positions as heads of departments or divisions of county government heretofore or hereafter established by the fiscal court. "Employees" shall include persons appointed by any of the elected officers of the county upon application by said elected officers to the fiscal court and order of the fiscal court duly made and entered of record for coverage of their offices.

(2) "Board" means the county merit system board hereinafter created.

(3) "Secretary" means the executive secretary and chief examiner employed by the county merit system board hereinafter created.

(4) "Position" means any assignment of duties and responsibilities under authorization of the county fiscal court which requires the full-time or part-time services of one person. A "class of positions" includes all positions of similar duties and responbilities, requiring similar qualifications, and all employees in the same class of positions shall be compensated within the same bracket in the pay scales authorized by the fiscal court.

Section 2. (1) Any county containing a city of the second class may, by order of its fiscal court, duly made and entered of record, create a county merit system covering all employees of the said fiscal court. The fiscal court shall, by said order creating a merit system, establish a county merit system board whose duties it shall be to classify and examine applicants seeking employment in county positions, to promulgate rules and regulations governing the classification of positions, qualifications, recruitment, examination, appointment, promotion, demotion, fine, suspension, and other disciplinary action of all county employees, and to conduct such hearings, public and executive, and impose such penalties upon county employees as are authorized by this Act.

(2) Fiscal courts establishing such county merit system boards shall make appropriations of money for the reasonable and necessary expenses of said boards.

(3) Upon establishment of a county merit system board by any county containing a city of the second class, any county police merit board which may have been created heretofore by order of the fiscal court under KRS 78.405 shall be superseded by the board herein authorized, and its effective operation shall cease as of the date the county judge appoints the county merit system board herein authorized. All records and unexpended appropriations of any such county police merit board shall be turned over to the board herein authorized. Merit system status acquired by any county police officers and employees under the jurisdiction of the county police merit board shall be transferred without question to the jurisdiction of the board herein authorized.

Section 3. The county judge, subject to the approval of the fiscal court of the county, shall, upon the creation of a county merit system in counties containing a city of the second class, appoint five representative citizens to the board who have demonstrated an interest in merit system principles in governmental employment and who have not served within the five years preceding their appointment as a candidate or public office holder, or on any partisan campaign committee or political party executive committee. The five citizens so appointed shall constitute the board and shall serve without compensation. Each board appointee shall be a resident voter of the county affected and shall not be related by blood or marriage to the county judge, any member of the fiscal court, or any county officer. The original appointments to said board shall be made within thirty days following the effective date of the order creating a county merit system. The original five appointees to the board shall draw lots among themselves so that one member shall serve for one year, one member for two years, one member for three years, and two members for four years. Thereafter, all appointments shall be for four years, except that appointments to fill vacancies within the respective terms shall be made only for the unexpired period of the respective terms. Any board member may be removed by resolution of the fiscal court of the county for neglect of duty, incapacity, misfeasance or malfeasance of office. No appointed board member shall hold any other public office, elective or appointive, during his term as a member of the board, except appointment to a state or federal board, commission, or committee which is nonpartisan in nature and the duties of which do not require a substantial part of his time. No board member shall receive any money, gift, or consideration of any type from any person directly or indirectly for or on account of any recommendation, proposal, or suggestion bearing upon the business of the board nor shall he engage in business transactions with any office operating under the provisions hereof. Each board appointee, before entering upon the discharge of his duties, shall qualify by subscribing, taking, and filing an oath of office, as required by law.

Section 4. The board shall meet at least once each calendar month, and minutes of the business of each meeting shall be kept. The board shall employ a secretary who shall conduct all examinations, prepare eligible lists, and keep all records and minutes of the board's business, and perform such other duties in connection with the business of the board as it may require. The secretary may be employed on either a part-time or full-time basis, and shall receive such compensation as may be recommended by the board and approved by the fiscal court. All orders and minutes of the board shall be signed by the chairman thereof, who shall be annually elected by the board from among its membership, and the minutes shall be countersigned by the secretary.

Section 5. Upon the appointment and qualification of the board's members, it shall meet within thirty days following its creation and elect a chairman and vice chairman and adopt such rules, regulations and bylaws as it sees fit for the proper conduct of the board's business. In all matters requiring a vote, a majority of the board members present and voting shall determine any question, provided that at least three board members be present to constitute a quorum.

Section 6. All county employees, as herein defined, are covered in accordance with the provisions and subject to the conditions hereof.

All such covered employees, in active service as of the effective date of the order of the fiscal court creating the county merit system and board, shall be deemed fit and qualified to continue their respective duties of county employment without examination or further qualification unless the head of their department shall, within sixty days of the establishment of the board, certify to the said board that any named employee under his jurisdiction is physically, mentally or morally unfit to continue his or her duties; provided, that all members of the county police force who attained merit system status under a county police merit board authorized under KRS 78.405 shall be automatically covered by the provisions of this Act when a fiscal court creates a county merit system and board. All personnel covered by the provisions of this Act shall be deemed to be permanent employees with merit system status subject to their ability to perform satisfactorily their respective duties and further subject to their good behavior.

Section 7. (1) No officer or employee covered by the provisions of this Act shall directly or indirectly give, solicit or receive, or in any manner whatever be concerned in the giving, receiving, soliciting or publicizing any assessment, gift, subscription, or contribution to or for any political party or candidate for public office.

(2) No individual, corporation, association or group of individuals shall orally or by letter or otherwise solicit or in any manner be concerned in soliciting or collecting any assessment, subscription, gift or contribution of any character for any political party or any candidate for public office from any officer or employee covered by any of the provisions of this Act. No person shall use or promise to use his personal influence or official authority to secure any appointment or promotion to any position of employment covered by the provisions of this Act as a reward or return for personal or partisan political service. No candidate applying for original appointment or promotion to any position of employment covered by the provisions of this Act shall be suspended, laid off, demoted, promoted, fined, disciplined, or threatened, or in any way changed in rank, duty, or compensation for withholding or neglecting to pay or make any contribution of any sort, or character, either in money, goods, or services or anything of value for any political purpose whatsoever.

(3) No person shall take part in preparing any political assessment, subscription, or contribution with the intent that the same shall be sent or presented to or collected from any officer or employee covered hereby and no person shall knowingly send or present in any manner any such assessment, subscription, request for gift or contribution or request payment of any of the foregoing to or from any officer or employee covered by this Act.

(4) No officer or employee covered by this Act shall act as an officer of any political organization or take an active part in any political campaign, or serve as a member of any committee of any such

political organization or circulate or seek signatures to any petition or official paper provided for by any primary or general election laws, or act as a worker for any political party or act as a worker at the polls in favor of or opposed to any candidate for election or nomination to any public office whether federal, state, county or municipal.

(5) No examination question in any examination held by the board shall relate to any political or religious opinion, belief, affiliation, or service, and no appointment, promotion, demotion, suspension, fine, or removal shall be brought about, effected, affected, or influenced by such opinions, beliefs, affiliations, or services.

(6) Nothing contained in this Act shall be so construed as to abridge the rights of any officer or employee with respect to his or her personal opinions or beliefs or the right to vote.

Section 8. (1) Every county merit system board created hereunder shall make, promulgate, and when necessary, amend rules for the qualification, original appointment, promotion, demotion, transfer, layoff, reinstatement, suspension, fine and removal of the officers and employees covered by this Act. The board shall publish its rules and any amendments thereto by supplying a certfied copy thereof to the county judge, the fiscal court, and department heads, and by posting a copy thereof conspicuously in the office or place where the headquarters of the board is maintained, and also by informing newspapers of general circulation in the county by providing them with a copy of the rules and amendments thereto. Said rules and amendments thereto shall be published in the manner prescribed within three days after the adoption thereof.

(2) The rules, in addition to other matters, shall specifically provide for the following:

(a) Physical, mental, educational, citizenship, and age requirements for new employees and officers;

(b) Qualifications and system or procedure for promotion from lower to higher rank or class of position;

(c) Open, competitive examinations, written or oral or both, and physical tests to determine the relative fitness of all candidates for original appointment, and examinations for promotion, and public notice and advertisement of all such examinations;

(d) Establishment of eligible lists based on all such examinations and the systematic procedure for certification of names from such eligible lists to appointing officers for selection to fill vacant positions;

(e) Classification of all positions covered by this Act on the basis of the duties, responsibilities, and requisite qualifications of each class of position, and recommendation to the fiscal court of pay scales for each such class of position or rank within the covered service;

(f) Procedures for making temporary appointments in case of emergency;

(g) Organization and meetings of the board;

(h) Procedure and conduct of public hearings.

Section 9. Any officer or employe may be removed, suspended, laid off, reduced in rank or grade, or fined by the head of a department for any cause which will promote the efficiency of the service, but before any such action is taken by the head of a department against any officer or employe, the department head shall furnish the officer or employee concerned with a written statement of the reasons why the described action is taken. The officer or employe may be reduced, removed, suspended, laid off, or fined from the date when such written statement of reasons is served upon him. Each officer or employee removed, suspended, laid off, reduced in grade, or fined, shall be allowed a period of ten days from the date of the written notice to him within which he may file written answer to the charges and reasons which caused his suspension, removal, reduction, fine or layoff, which shall be made a part of the official records of the concerned department. No trial or examination of witnesses shall be required in any such case except in the discretion of the head of the department. The head of the department shall likewise furnish a copy of the written charges and reasons for his action to the board, and the employee affected may also, if he answered the charges, file a copy of his answer with the board.

Section 10. (1) The board shall also have the right to remove, reduce, suspend, lay off, fine, or discipline any officer or employee covered by the provisions of this Act, on written charges of misconduct preferred on its own initiative or the initiative of any citizen, but only after reasonable notice to the accused and to the head of his department and after a public hearing at which the officer or employee shall have the right to be present, to be represented by counsel, to present witnesses, and to be confronted by all witnesses preferring charges against him. Every such employee or officer shall be given the right, within ten days after charges are initiated by the board, and before the public hearing prescribed herein, to file written answer to the charges preferred against him.

(2) After full public hearing by the board, it may retire in executive session to make its findings. In no case shall the board, in executive session, receive any further evidence or communication prior to making its findings.

Section 11. In all cases provided for in Section 9 and 10 of this Act, the action of the department head or of the Board shall be final, except as follows: Every action in the nature of a dismissal, suspension, reduction or fine made by a department head shall be subject to review by the board at the request of such officer or employee, and in any case where the board, after investigation, is of the opinion that the disciplinary action taken by the department head was unjustified prejudice, or unsupported by the evidence, then the board shall give notice and hold a public hearing with respect thereto, and in any case where, after such public hearing, a majority of the members of the board conclude that the action of the department head was unjustified or unsupported by the evidence, then the order of the department head may be set aside and revoked by the board, and the board may impose such penalty or punishment as it may deem necessary and appropriate. The board may, after investigation, increase any disciplinary action taken by the department head where such additional action is justified in the opinion of a majority of the members of the board.

Section 12. The board shall have the power to issue subpoenas attested in the name of its chairman, to compel the attendance of witnesses, upon any proceedings authorized by this Act or by the rules or regulations promulgated by the board.

HB 357, AN ACT changing the classification of the City of LaGrange, in Oldham County.

WHEREAS, satisfactory information has been presented to the General Assembly that the population of the City of LaGrange, in Oldham County, is such as to justify its being classified as a city of the fourth class;

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The City of LaGrange, in Oldham County, is transferred from the fifth to the fourth class of cities.

HB 327, AN ACT relating to alcoholic beverages.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 244.290 of the Kentucky Revised Statutes is amended to read as follows:

(1) Except as provided in subsections (2) and (3), no premises licensed for the sale of distilled spirits or wine at retail shall be permitted to remain open for any purpose between midnight and 6 a.m, or during the twenty-four hours of a Sunday, during the twenty-four hours between 6 a.m., on December 25 and 6 a.m., December 26, or during the hours the polls are open on any election day in a precinct where the licensed premises are located. However, if a licensee provides a separate department within his licensed premises capable of being locked and closed off, within which is kept all stocks of distilled spirits and wine and said department is kept locked during the aforementioned times, he shall be deemed to have complied with this section.

(2) The legislative body of any incorporated city may, by

ordinance, establish the times during which distilled spirits and wine may be sold within their boundaries, provided the trafficking in distilled spirits and wine is not prohibited under local option laws.

(3) The fiscal court of each county may establish the times during which distilled spirits and wine may be sold over that portion of the county which lies without the corporate limits of cities, and in which the sale of distilled spirits and wine is not prohibited under local option laws.

(4) Notwithstanding subsections (2) and (3), however, no distilled spirits or wine may be sold during the twenty-four hours between 6 a.m., Sunday and 6 a.m. Monday, during the twenty-four hours between 6 a.m. on December 25 and 6 a.m. December 26, or on election days while the polls are open in a precinct where the licensed premises are located.

Section 2. Section 244.480 of the Kentucky Revised Statutes is amended to read as follows:

(1) Except as provided in subsection (2), no brewer or distributor shall deliver any malt beverages on Sunday, or between the hours of 7 p.m. and 6 a.m., on any week day except Saturday, when deliveries may be made between the hours of 6 a.m., and midnight. No retailer shall sell, give away or deliver any malt beverages between midnight and 6 a.m. or during the twenty-four hours between 6 a.m. Sunday and 6 a.m. Monday, during the twenty-four hours between 6 a.m. on December 25 and 6 a.m. December 26, or during the hours the polls are open on any election day in a precinct where the licensed premises are located.

(2) The legislative body of any incorporated city may, by ordinance, establish the times during which malt beverages may be sold within their boundaries, subject to subsection (3), provided the trafficking in malt beverages is not prohibited under local option laws. The fiscal court of each county, subject to subsection (3), may establish the times during which malt beverages may be sold in that portion of the county which lies without the corporate limits of cities, and in which the sale of malt beverages is not prohibited by local option laws.

(3) Notwithstanding subsections (1) and (2): (a) the legislative body of a city and the fiscal court of a county shall not prohibit the sale, gift or delivery of malt beverages between 6 a.m., and midnight during any week day (b) nor shall malt beverages be sold on any election day while the polls are open in a precinct where the licensed premises are located, or during the twenty-four hours between 6 a.m. on December 25 and 6 a.m. December 26.

The Committee on Municipal and County Government reported **HB 413** with the expression of opinion that the same should pass with committee substitute attached thereto. Read at length for the first time and ordered placed in the Calendar.

Com. Sub. **HB 413**, AN ACT permitting fiscal courts to provide liability and indemnity insurance for benefits of patients of county operated hospitals and prescribing certain policy conditions, and amending Section 67.186 of the Kentucky Revised Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

KRS 67.186 of the Kentucky Revised Statutes is amended to read as follows:

(1) The fiscal court of any county in which there is a county operated hospital may provide for liability and indemnity insurance for the benefit of the hospital against the negligence of the employes of such hospital.

(2) The insurance policies so purchased by the fiscal court shall be purchased only from insurance companies authorized to transact business in this state, and any such policy shall bind the insurer to pay, subject to the terms and conditions of the policy, any final judgment, not in excess of the policy limits, rendered against the insured hospital or hospital employes for the death or injury of any patient, or damage to the property of any patient, resulting from the negligence of the hospital, its agents or employes.

(3) This Act shall not be construed as waiving the immunity of the county or county operated hospital from suit, and no judgment may be enforced or collected against the county, fiscal court, the members thereof, or such hospital, but shall only measure the liability of the insurance carrier. No attempt shall be made in the trial of any suit to suggest the existence of any insurance which covers in whole or in part any judgment or award which has been rendered in favor of the claimant, but if the verdict rendered by the jury exceeds the limits of applicable insurance, the court shall reduce the amount of said judgment to a sum equal to the applicable limit stated in the policy.

The Committee on Military and Civil Defense reported **SB 17** and **HB 230** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 17, AN ACT relating to war memorials, amending KRS 105.010.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 105.010 of the Kentucky Revised Statutes is amended to read as follows:

(1) Each city or county is authorized to establish or erect a war memorial to commemorate the sacrifices of its citizens who are serving or have served in the Armed Forces of the United States during any war. A city shall not be required to locate such memorial within the city limits.

(2) A city and county are authorized to undertake the establishment or erection of such memorial jointly, and to share the expense thereof in such proportions as may be agreed upon between the governing bodies of the city and county.

(3) Each city or county, either separately or jointly, in order to carry out the establishment and erection of a war memorial, is authorized to buy, accept as a gift, or acquire in any other legal manner, including eminent domain, a cemetery to be used for memorial purposes, provided that in no event shall said city or county continue to sell lots in said cemetery for burial purposes and provided further that said city or county is authorized to care for and supervise burials on such lots in such cemetery as have been sold by the cemetery association prior to acquisition by the city or county.

(a) Each city or county, either separately or jointly, is authorized to use prison labor from the city or county for the purpose of keeping such cemetery in proper condition.

HB 230, AN ACT relating to military service awards, appropriating money therefor.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. (1) The Department of Military Affairs shall cause to be designed and manufactured a military service medal with ribbon which shall be known as the Conspicuous Service Cross and a metal device suitable for attachment to such ribbon. The medal, ribbon and attachment shall be so designed as to be emblematic of the extraordinary service for which they are awarded.

(2) The department shall procure the medal in sufficient quantities for distribution to all persons entitled to receive the medal under the provisions of this Act.

Section 2. The Governor, in the name of the General Assembly of the Commonwealth of Kentucky, shall present the Conspicuous Service Cross to any citizen of the State of Kentucky who while serving in the United States Army, Navy, Marine Corps or in the Army Nurse Corps, since April 6, 1917, has received a citation published in an order issued from the headquarters of a brigade or higher military unit, or equivalent naval unit, or who has received the Purple Heart Medal. The Governor may also present the Conspicuous Service Cross to any citizen of this state who, while serving with the allied armies, received such a citation.

Section 3. Not more than one Conspicuous Service Cross shall be awarded to any person. However, for each succeeding citation as provided herein, such person shall receive and be entitled to wear the metal device attachment to the ribbon of the Conspicuous Service Cross.

Section 4. No medal shall be awarded or presented under the provisions of this Act to any person whose entire service subsequent to the time of the receipt of the original citation shall not have been honorable.

Section 5. Where the death of a person eligible for the award of a Conspicuous Service Cross has intervened, the Conspicuous Service Cross shall be presented to representatives of the deceased and the Department of Military Affairs shall provide a suitable certificate of award for the presentation of the Conspicuous Service Cross.

Section 6. The department may prescribe such rules and regulations as may be necessary to the administration of this Act. All applications for the Conspicuous Service Cross shall be made to the Department of Military Affairs in such form and accompanied by such proof of eligibility as the department may prescribe.

Section 7. The sum of one thousand dollars is appropriated to the Department of Military Affairs out of the General Expenditure Fund for the purpose of this Act. Unexpended portions of this appropriation shall not lapse at the end of each fiscal year but shall be carried over into the following fiscal year.

The Committee on Health and Welfare reported **SB 94, HB 409, HB 177, HB 186, HB 245, HB 253, HB 302, HB 342, HB 350, HB 351, HB 352, HB 353, SB 37, SB 49, SB 81** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 94, AN ACT relating to births and deaths.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 213.020 of the Kentucky Revised Statutes is amended to read as follows:

Each county in the state shall constitute a registration district for the purpose of carrying out the provisions of Chapter 213 of the Kentucky Revised Statutes.

Section 2. Section 213.030 of the Kentucky Revised Statutes is amended to read as follows:

(1) Except as otherwise provided in Subsection (3) of this section, the State Department of Health shall, with the approval of the local health officer or administrative assistant concerned, designate and commission an employee of each county and city-county health department as local registrar for the county.

(2) The local registrar may designate one or more employees of the county or city-county health department as deputy registrar. He may also appoint persons as deputy registrars who are not employees

of the local health department if, in the opinion of the State Department of Health, such appointments are necessary. All such appointments shall be approved by the State Department of Health.

(3) In counties in which a county department of health is not maintained, the State Department of Health shall appoint a person to be the local registrar. Such person shall possess the training and qualifications prescribed by the State Department of Health, and shall hold office at the pleasure of the department; provided, however, that upon the establishment of a health department in said county, the State Department of Health shall notify the local registrar that his employment is terminated and order him to transfer all the records in his possession to the county department of health.

Section 3. Section 213.050 of the Kentucky Revised Statutes is amended to read as follows:

(1) The attending physician or midwife shall sign and file a certificate of birth with the local registrar of the district in which the birth occurred within ten days after the date of birth. The certificate shall be properly and completely filled out, and shall contain the date of signature, the address, and all the information required by Chapter 213 of the Kentucky Revised Statutes. No physician or midwife shall refuse to file or delay the filing of a birth certificate because obstetrical fees have not been paid. If the mother of a child informs the physician, midwife, or a person prescribed by Subsection (2) of this section that the child was born out of wedlock, the name of the father shall not be inserted in the birth certificate and the certificate of birth of said child shall be in the surname of the mother. However, the Director of the Division of Vital Statistics shall insert the name of the father and change the name of the child to the surname of the father if paternity is established in a legal action, or if an affidavit is filed stating that the affiant is the father of the child.

(2) If there is no attending physican or midwife, the father or mother of the child, or the head of the household, owner of the premises, or manager or superintendent of the public or private institution in which the birth occurred shall notify the local registrar, within ten days after the date of birth, of the fact of the birth.

(3) Upon receipt of notice of birth, as provided in Subsection (2) of this section, the local registrar shall then secure the necessary information to make a proper certificate of birth, and shall present it to the person who gave him notice of the fact of birth, who shall sign the certificate.

(4) The certificate of birth shall be prescribed and furnished by the State Department of Health and shall be designed with due consideration for national uniformity. All certificates shall be written legibly, in unfading ink, or typewritten. No certificate shall be held to be complete and correct that does not supply all items of information called for therein, or satisfactorily account for their omission. If a

certificate of birth is incomplete, the registrar shall immediately notify the informant, and require him to supply the missing items if they can be obtained.

Section 4. Section 213.080 of the Kentucky Revised Statutes is amended to read as follows:

(1) The certificate of death shall be prescribed and furnished by the State Department of Health and shall be designed with due consideration for national uniformity. It shall be written legibly in unfading ink or typewritten. The personal and statistical particulars shall be authenticated by the signature of the informant, who may be any competent person acquainted with the facts. The statement of facts relating to the disposition of the body shall be signed by the undertaker or person acting as such.

(2) The medical certificate shall be made and signed by the physician, if any, last in attendance on the deceased, who shall specify the time in attendance, the time he last saw the deceased alive, and the hour of the day at which death occurred. He shall further state the cause of death, showing the course of disease or sequence of causes resulting in death, giving the primary cause and any contributory causes, and the duration of each. Indefinite and unsatisfactory terms, indicating only symptoms of disease or conditions resulting from disease, will not be sufficient for issuing a burial or removal permit. Any certificate not containing the terms defined by the Division of Vital Statistics shall be returned to the physician for correction and definition. Where death may be the result of either disease or violence, the causes shall be carefully defined, and if the result of violence its nature shall be stated, and whether it appears to have been accidental, suicidal or homicidal. In case of deaths in hospitals, institutions or away from home, the physician shall furnish the information required in this section and shall state where, in his opinion, the disease was contracted.

Section 5. Section 213.110 of the Kentucky Revised Statutes is amended to read as follows:

(1) The body of any person whose death occurs in this state shall not be interred, deposited in a vault or tomb, cremated or otherwise disposed of, or removed from or into any registration district, until a permit for burial, removal or other disposition has been issued by the registrar of the registration district in which the death occurs. If the death occurred from a disease declared by the State Board of Health to be infectious, contagious or communicable and dangerous to the public health, no permit for the removal or other disposition of the body shall be granted by the registrar except under conditions prescribed by the state and local boards of health. Except as provided in Subsections (2) and (3) of this section, no burial or removal permit shall be issued by any registrar until a complete and satisfactory certificate and return of the death has been filed with him. If any

certificate of death is incomplete or unsatisfactory, the registrar shall call attention to the defects in the return, and shall withhold issuing the burial or removal permit until they are corrected.

(2) A transit permit issued in accordance with the law and health regulations of the place where the death occurred, whether in or outside of this state, may be accepted by the local registrar of the district where the body is to be interred or otherwise finally disposed of, in lieu of a certificate of death, but he shall plainly enter on the face of the copy of the record made for return to the Division of Vital Statistics the fact that it was a body shipped in for interment and the actual place of death. If the transit permit was issued outside of this state the local registrar of the district where the body is to be finally disposed of shall issue a local burial permit, but if the transit permit was issued in this state the registrar's burial or removal permit from the district where the death occurred may be accepted as authority for burial at the point of destination, without the issuance of a local burial permit.

(3) Nothing in this section shall be construed to delay, beyond a reasonable time, the interment or other disposition of a body, unless the services of the coroner or the health officer are required or the State Board of Health deems it necessary for the protection of the public health. If compliance with this section would result in unreasonable delay in the disposition of the body, the undertaker or person acting as such shall file with the local registrar or deputy registrar prior to interment, a provisional certificate of death, which shall contain the name, date and place of death of the deceased and an agreement to furnish within five days a complete and satisfactory certificate of death and the undertaker or person acting as such shall secure a complete and satisfactory certificate of death as provided in Section 213.100 of the Kentucky Revised Statutes and return it within five days from the date of burial to the local registrar of the district in which the death occurred.

(4) The undertaker shall deliver the burial permit to the sexton or person in charge of the place of burial, before interring the body, or, if the body is to be shipped by a transportation company, shall attach the transit permit, containing the registrar's removal permit, to the box containing the body. The transit permit shall accompany the body to its destination.

Section 6. Section 213.120 of the Kentucky Revised Statutes is amended to read as follows:

The form of the burial permit shall be prescribed and furnished by the State Department of Health.

Section 7. Section 213.160 of the Kentucky Revised Statutes is amended to read as follows:

(1) The superintendent, manager or other person in charge of any institution, public or private, to which persons resort for treat-

ment of diseases or confinement, or are committed by process of law, shall, at the time of admission of any person to the institution, make a record of all the personal and statistical particulars relative to that person that are required in the form of the certificate provided for by this chapter, as directed by the Division of Vital Statistics. In case of persons admitted or committed for medical treatment of disease, the physician in charge shall specify, for entry in the record, the name of the disease and where, in his opinion, it was contracted. The personal particulars from the individual himself, if practicable, and if not they shall be secured in as complete a manner as possible from relatives, attending physicians and midwives.

(2) Institutions specified in Subsection (1) of this section shall prepare and forward a report on the first day of each week to the county health department, listing all births and deaths occurring during the preceding week. The birth list shall specify the date of birth, the name of the father and the maiden name of the mother. The death list shall specify the name of the deceased, the date of death, and the name of the funeral director removing the body for burial. The State Department of Health shall furnish each such institution with necessary forms for making such reports.

Section 8. Section 213.190 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Division of Vital Statistics shall, upon request, furnish any applicant a certified copy of the record of any birth, death, or other record registered with such division as provided by law when the division is satisfied that the applicant has a direct, tangible and legitimate interest in the information or record requested. The applicant shall pay a fee of one dollar for a copy of a birth, death, or other certificate or search of the files if no copy is found. Any such certified copy shall be prima facie evidence of the facts therein stated.

(2) No fee or compensation shall be allowed or paid for furnishing certificates of birth or death required in support of any claim against the government for compensation, insurance, back pay or other allowances of any person who has at any time served as a member of the Army, Navy, Marine Corps or Air Force of the United States.

HB 409, AN ACT relating to the gift or bequest of dead bodies or parts thereof.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Any person in the Commonwealth of the age of twenty-one years or more and of sound mind may, by will or by a written instrument executed in the presence of at least two attesting witnesses, give, grant or bequeath his body to any professor or medical school or college authorized by KRS 311.300 to KRS 311.350 to procure or receive dead bodies for educational or scientific purposes, or may give, grant or bequeath any part of his body to any responsible person or group of persons, natural or corporate, whom the State Board of Health finds is equipped to properly receive and preserve the same for educational or scientific study or to transplant into the body or bodies of living persons. Any such disposition of his body or part thereof may be revoked by the testator or grantor at any time prior to his death by the execution of a written instrument in the same manner as the original legacy or grant.

Section 2. Any person or persons having the right to a body for burial may likewise consent to such use of the body or part thereof as set forth in Section 1.

Section 3. For the purpose of this Act, the persons having the right to dispose of a body are as follows:

(1) The surviving spouse, if any, and if none,

(2) The person or persons who are entitled to the real property of the deceased under KRS 391.010, and if none,

(3) The person, agency, institution, or organization having the obligation to bury such body.

Section 4. The State Board of Health shall, by regulation, fix reasonable standards with respect to qualifications, equipment, facilities and experience to be required of persons desiring to qualify to receive parts of human bodies, as hereinabove provided. The board may, if it deems it desirable, include in such regulation a requirement that authorized recipients of parts of human bodies post a bond conditioned upon compliance with all of the terms and conditions of said regulation.

HB 177, AN ACT relating to indigent medical care.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The General Assembly of the Commonwealth of Kentucky hereby recognizes and declares that it is an essential function, duty, and responsibility of the Government of this Commonwealth to provide, within its budgetary limitations, for the medical care of its indigent citizenry.

Section 2. As used in this Act unless the context clearly indicates otherwise:

(1) "Council" means the State Indigent Medical Care Advisory Council;

(2) "Dentist" means a person licensed by the State Board of Dental Examiners to practice dentistry in Kentucky;

(3) "Hospital" means any institution licensed as such by the State Board of Health;

(4) "Public Assistance Person" means a person who has been certified by the Division of Public Assistance of the Department of Economic Security as being eligible for, and a recipient of, public assistance under the provisions of Chapter 205 of the Kentucky Revised Statutes;

(5) "General Assistance Person" means a person who has been certified by the Division of Public Assistance of the Department of Economic Security as being eligible for, and a recipient of, tax supported public assistance for maintenance other than as provided under the provisions of Chapter 205 of the Kentucky Revised Statutes;

(6) "Medically Indigent Person" means a person who is domiciled in this state and who is unable, through his own resources or through resources available to him, to provide himself with essential medical care without depriving himself or his dependents of necessary food, shelter, clothing, or the other necessities of life, and who does not fall within the definition of "Public Assistance Person" or "General Assistance Person" as defined in Subsection (4) or (5) of this section;

(7) "Medical Care" means essential medical, surgical, dental, and nursing services in the home, office, hospital, clinic or other suitable place provided or prescribed by physicians or dentists licensed to render such service, including drugs and medical supplies, appliances, laboratory, diagnostic, and therapeutic services, nursing home and convalescent care, and such other essential medical services and supplies as may be prescribed by such persons;

(8) "Nursing Home" means any institution licensed as such by the State Board of Health;

(9) "Physician" means any person licensed to practice medicine or osteopathy in Kentucky;

(10) "Federal-State Medical Care Fund" means a trust and agency fund established, maintained, and operated by the Department of Economic Security as an arrangement to meet the cost of medical care for public assistance persons and into which payments are made in behalf of each public assistance person covered by the fund.

(11) "State-County Medical Care Fund" means a trust and agency fund established, maintained, and operated as an arrangement to meet the costs of medical care for general assistance persons and medically indigent persons and into which payments are made.

(12) "Vendor Payment" means a payment for medical care which is paid by the Department of Economic Security directly to the authorized person or institution which rendered medical care to a public assistance person, general assistance person, or to a medically indigent person.

Section 3. (1) There is hereby created a State Indigent Medical Care Advisory Council. The council shall consist of nine members. The Commissioner of Health and the Commissioner of the Department of Economic Security shall be ex-officio members. The other seven members of the council shall be appointed by the Governor and shall hold office for a term of four years and until their successors are appointed and qualify, except that the members appointed to fill the first vacancy occurring for a term beginning on July 1, 1958, shall be as follows: Two members shall be appointed for one year, two for two years, two for three years, and one for four years, and the respective terms of the first members shall be designated by the Governor at the time of their appointment. Upon the expiration of the respective terms of the members first appointed, the term of each successor shall be four years or until his successor shall be appointed and qualify. No member of the council shall be a stockholder or have any financial interest in any hospital, nursing home, or related institution. One appointive member of the council shall be a physician licensed to practice medicine in Kentucky and shall be appointed from a list of three names submitted by the Kentucky State Medical Association. One member of the council shall be a dentist licensed to practice dentistry in Kentucky and shall be appointed from a list of three names submitted by the Kentucky State Dental Association. One member of the council shall be appointed from a list of three names submitted by the Kentucky Hospital Association. The other four appointive members shall be intelligent and discreet citizens residing within the Commonwealth, who are not members of professional groups which are recipients of vendor payments.

(2) Each appointive member of the council shall serve without compensation but shall be entitled to reimbursement for his actual and necessary expenses in attending meetings.

(3) The council shall elect a chairman, vice-chairman, and secretary from among its members at its first regular meeting in each fiscal year and may adopt rules and by-laws for its government. The council shall hold a meeting at least once every three months and such other special or regular meetings as may be desired.

Section 4. The council shall develop, formulate, promote, and recommend to the Commissioner of Economic Security for adoption and execution, policies, plans, budgets, programs, and rules and regulations relating to:

(1) The administration of this Act;

(2) The utilization of facilities and personnel of the Department of Economic Security and the State Department of Health;

(3) The designation, by regulation, of the scope of medical care which the Department of Economic Security will undertake to pay;

(4) The inclusion or exclusion, by regulation, of general assistance persons or certain classes thereof;

(5) The inclusion or exclusion, by regulation, of medically indigent persons or certain classes thereof;

(6) The designation, by regulation, of quantity and quality standards and methods for determining costs for vendor payments for medical care services;

(7) The designation, by regulation, of the limitations, duration and frequency of medical care and vendor services that may be authorized for payment;

(8) The administration of grants, gifts, and contributions from the federal government, from county fiscal courts, and from city legislative bodies, or from other sources, for the purpose of carrying out the intent and purposes of this Act;

(9) The establishment of and contribution to a federal-state medical care fund from funds appropriated from time to time by the General Assembly for public assistance persons;

(10) The establishment of and contribution to state-county medical care funds from funds appropriated from time to time by the General Assembly for general assistance and medically indigent persons on a formula contribution basis promulgated by the Department of Economic Security;

(11) The conducting of studies, research, demonstrations, and surveys to carry out the intent and purposes of this Act;

(12) The agreements and contracts for the administration of this Act; and

(13) The utilization of facilities and personnel of local health departments and local public assistance offices.

Section 5. (1) The scope of medical care for which the Department of Economic Security undertakes to pay shall be designated and limited by regulation. The selection of the class or classes of medical care services shall be recommended by the council to the Commissioner of Economic Security after taking into consideration, among other things, the amount of federal, state, and local funds available and the most essential needs of public assistance persons, general assistance persons or medically indigent persons. The scope may:

(a) Be confined to hospital care only; to general practitioners' services only; to specialist services only; or to parts or conbinations thereof;

(b) Include home nursing care, dental care, drugs, laboratory services or parts or combinations thereof; or

(c) Include or exclude any part of the services provided for under the definition of the term "medical care" in Subsection (7) of Section 2 of this Act.

(2) The scope of medical care may be amended, altered, or changed from time to time by regulation.

(3) No vendor payment shall be made unless the class and type of medical care rendered has first been designated by regulation.

(4) The quantity and quality standards and methods for determining costs for vendor payments designated by regulations need not be uniform for the entire state but may vary from county to county and from city to city due to the prevailing cost of medical care in such locale and due to other local economic geographic conditions.

Section 6. (1) The Department of Economic Security shall retain all responsibility relating to the certification of eligibility of all recipients and with all other fiscal matters relating to this Act.

(2) The Department of Economic Security shall contract with the State Department of Health for the purpose of carrying out all medical matters relating to this Act including, but not limited to, the certifying of the cost, need, and reasonableness of all medical expenses in accordance with quantity and quality standards and methods.

Section 7. There is hereby created within the State Department of Health a Division of Medical Care which shall be charged with the responsibility of carrying out the duties of the department under any agreement or contract with the Department of Economic Security.

Section 8. Fiscal courts and city legislative bodies are hereby authorized and empowered to appropriate and contribute to a state-county medical care fund for general assistance and medically indigent persons of the county. Such appropriations and contributions shall be on a formula basis promulgated by the Department of Economic Security and shall be deemed to be essential governmental expenditures. The formula need not be uniform for the entire state but may vary from county to county and from city to city due to variations in population and economic and geographic conditions including resources, industrialization, tax assessments and tax rates, and other local factors and conditions.

Section 9. (1) The following state-wide advisory committees are hereby created for the purpose of acting in an advisory capacity to the State Indigent Medical Care Advisory Council with respect to the administration of this Act:

(a) An Indigent Medical Advisory Committee consisting of five members appointed by the Council of the Kentucky State Medical Association. All members shall be physicians licensed to practice medicine in Kentucky;

(b) An Indigent Hospital Advisory Committee consisting of five members appointed by the Board of Trustees of the Kentucky Hospital Association;

(c) An Indigent Dental Advisory Committee consisting of five members appointed by the Kentucky State Dental Association. All members shall be licensed to practice dentistry in Kentucky;

(d) An Indigent Nursing Advisory Committee consisting of five members appointed by the Kentucky State Association of Registered Nurses. All members shall be licensed registered nurses;

(e) An Indigent Drug Advisory Committee consisting of five members appointed by the Kentucky State Pharmaceutical Association. All members shall be licensed by the Kentucky Board of Pharmacy;

(f) An Indigent Nursing Home Advisory Committee consisting of five members appointed by the Kentucky Association of Nursing Homes.

(2) The advisory committee members shall serve for terms of five years and until their successors are appointed and qualify.

Section 10. The council shall appoint a County Medical Care Review Committee for each county of the Commonwealth consisting of three licensed medical physicians. The duties, responsibilities, and terms of office of such committees shall be defined by regulation. Appointments shall be made from a list of three names for each position submitted by each respective county medical society and approved by the Indigent Medical Advisory Committee created by Section (8) (a) of this Act; provided, however, that the council may, in lieu thereof, designate the physician members of county boards of health to serve in such capacity.

Section 11. Any person who knowingly makes a false statement, or represents or knowingly fails to disclose a material fact or by impersonation or other fraudulent device obtains or attempts to obtain or aids or abets any person to obtain or attempt to obtain, any medical care benefits under the provisions of this Act shall be fined not less than ten dollars nor more than one hundred dollars, or imprisoned for not more than thirty days, or both. Each false statement, representation, failure, or violation, and each benefit payment made in reliance of such false statement, representation, failure or violation, shall constitute a separate offense.

Section 12. Payments into the Federal-State Medical Care Fund shall be irrevocable and shall:

(a) Be beyond the power of the Department of Economic Security to use for any other purpose than that for which it was created; and

(b) Be dedicated to the payment of costs of medical care for public assistance persons. Federal-state medical care funds shall be subject to federal participation as an assistance expenditure for medical care in behalf of public assistance persons.

Section 13. Payments into the State-County Medical Care Fund shall be irrevocable and shall:

(a) Be beyond the power of the Department of Economic Security to use for any other purpose than that for which it was created; and

(b) Be dedicated to the payment of medical care for general assistance persons and medically indigent persons with respect to which payments are made. State-County Medical Care Funds shall be subject to county participation as an assistance expenditure for medical care in behalf of general assistance persons and medically indigent persons.

Section 14. This Act shall become effective on July 1, 1958.

HB 186, AN ACT relating to deadly weapons.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 435.230 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person, not expressly authorized by law, who carries concealed a deadly weapon, other than an ordinary pocketknife, on or about his person, or any person who sells a deadly weapon, which shall include a switch-blade knife but not an ordinary pocketknife, to a minor, shall be confined in the penitentiary for not less than two nor more than five years.

(2) Sheriffs, constables, marshals, policemen and other ministerial officers, when necessary for their protection in the discharge of their official duties; United States mail carriers, when actually engaged in their duties; and agents and messengers of express companies, when necessary for their protection in the discharge of their official duties, may carry concealed deadly weapons on or about their persons.

HB 245, AN ACT relating to insurance applications, amending KRS 304.656.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 304.656 of the Kentucky Revised Statutes is amended to read as follows:

All statements or descriptions in any application for an insurance policy or in negotiations therefore, by or in behalf of the insured, shall be deemed to be representations and not warranties. Misrepresentations, unless material or fraudulent, shall not prevent a recovery on the policy.

Any agent obtaining the application for a policy of insurance and the doctor who examines the insured, shall be deemed to be the agents of the insurer. If fraud be alleged by either party concerning the obtaining of such application, or writing in the answers given by the insured, or the issuance of a policy of insurance thereon, oral testimony shall be admissible to prove or defeat all such allegations.

HB 253, AN ACT relating to post-mortem examinations.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. No person shall perform an autopsy or post-mortem examination upon the body of a deceased person except in accordance with this Act.

Section 2. Section 72.070 of the Kentucky Revised Statutes is amended to read as follows:

(1) If in the opinion of the coroner it is necessary to have a post-mortem examination of a dead person during an inquest, he may employ a competent surgeon or physician for that purpose, and if he suspects poisoning he may employ a competent chemist to analyze the body or any part thereof.

(2) Upon agreement of the coroner, an autopsy or post-mortem examination may be performed upon the body of a deceased person by a licensed physician or surgeon, whenever written consent thereto, duly signed and acknowledged prior to his death, has been granted by the deceased. In the absence of such consent, written or telegraphic consent for such examination shall be deemed sufficient when given by the person who assumes the duty of legal disposal of the body. If two or more persons assume custody of the body, the consent of one of them shall be deemed sufficient.

(3) No physician, surgeon or chemist shall be required to inquire into a coroner's authority to order an autopsy to be performed. Any licensed physician, surgeon or chemist who performs an autopsy or post-mortem examination upon request of the coroner or with the consent of any one of the persons enumerated in subsection (2) shall not be liable in damages or otherwise accountable to any person therefor.

Section 3. Section 72.090 of the Kentucky Revised Statutes is amended to read as follows:

(1) A surgeon, physician or chemist employed under KRS 72.070 (1) or 72.080 shall receive a reasonable fee fixed by the fiscal court.

(2) The officer directing the investigation under KRS 72.080 shall receive per diem, as compensation for his services, the maximum fee prescribed by law for his services required of and rendered by him by virtue of the office he holds.

(3) The fees prescribed in subsections (1) and (2) of this Section shall be paid out of the county treasury. The other costs of an inquest are payable out of the county treasury except where an inquest on an unburied body is held in a city of thirty thousand or more inhabitants, in which case the other costs of the inquest shall be paid by the city. Provided, however, that if there are insufficient funds available in the county treasury for the purpose of employing the physician,

surgeon or chemist authorized to be employed by KRS 72.070 and 72.080, the Commissioner of Health may, upon request of the coroner, pay for such post-mortem examination, out of funds of the Department of Health which are not otherwise appropriated, a sum not to exceed one hundred dollars for each examination.

Section 4. Any person who violates Section 1 or Section 2 of this Act shall be fined not less than ten dollars nor more than five hundred dollars or confined in the county jail for not less than ten days nor more than thirty days, or both.

HB 302, AN ACT relating to narcotic drugs.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 218.010 of the Kentucky Revised Statutes is amended to read as follows:

As used in this chapter, unless the context otherwise requires:

(1) "Person" includes any corporation, association, co-partnership, or one or more individuals.

(2) "Physician" means a person authorized by law to practice medicine in this state and any other person authorized by law to treat sick and injured human beings in this state and to use narcotic drugs in connection with such treatment.

(3) "Dentist" means a person authorized by law to practice dentistry in this state.

(4) "Veterinarian" means a person authorized by law to practice veterinary medicine in this state.

(5) "Manufacturer" means a person who by compounding, mixing, cultivating, growing, or other process, produces or prepares narcotic drugs, but does not include an apothecary who compounds narcotic drugs to be sold or dispensed on prescriptions.

(6) "Wholesaler" means a person who supplies narcotic drugs that he himself has not produced nor prepared, on official written orders, but not on prescriptions.

(7) "Apothecary" means a licensed pharmacist as defined by the laws of this state and, where the context so requires, the owner of a store or other place of business where narcotic drugs are compounded or dispensed by a licensed pharmacist; but nothing in this chapter shall be construed as conferring on a person who is not registered nor licensed as a pharmacist any authority, right, or privilege, that is not granted to him by the pharmacy laws of this state.

(8) "Hospital" means an institution for the care and treatment of the sick and injured, approved by the State Board of Health as proper to be entrusted with the custody of narcotic drugs and the professional use of narcotic drugs under the direction of a physician, dentist, or veterinarian.

(9) "Laboratory" means a laboratory approved by the State Board of Health as proper to be entrusted with the custody of narcotic drugs and the use of narcotic drugs for scientific and medical purposes and for purposes of instruction.

(10) "Sale" includes barter, exchange, or gift, or offer therefor and each such transaction made by any person, whether as principal, proprietor, agent, servant, or employe.

(11) "Coca leaves" includes cocaine and any compound, manufacture, salt, derivative, mixture, or preparation of coca leaves, except derivatives of coca leaves which do not contain cocaine, ecgonine, or substances from which cocaine or ecgonine may be synthesized or made.

(12) "Opium" includes morphine, codeine, and heroin, and any compound, manufacture, salt, derivative, mixture, or preparation of opium, but does not include apomorphine or any of its salts.

(13) "Cannabis" includes all parts of the plant Cannabis sativa L., whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, or resin; but shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of such plant which is incapable of germination.

(14) "Amphetamine" includes the substance identified chemically as Racemic 1-phenyl-2 amino-propane ($C_6\ H_5\ CH_2\ CHNH_2\ \text{-}CH_3$), or any of its derivatives, including benezedrine, dexedrine and dexamyl.

(15) "Narcotic Drugs" includes coca leaves, opium, isonipecaine (the substance identified chemically as 1-methyl-4-phenylpiperidine-4-carboxylic acid ethyle ester, or any salt thereof by whatever trade name identified), cannabis, every other substance neither chemically nor physically distinguishable from them, amphetamine (the substance identified chemically as Racemic 1-phenyl-2-aminopropane), and any drug having an addiction-forming or addiction-sustaining liability similar to morphine or cocaine which is designated by proclamation of the President of the United States and by regulation of the State Board of Health as a narcotic drug.

(16) "Federal Narcotic Laws" means the laws of the United States relating to opium, coca leaves, and other narcotic drugs.

(17) "Official written order" means an order written on a form provided for that purpose by the United States Commissioner of Narcotics, under any laws of the United States making provision therefor, if such order forms are authorized and required by Federal law, and if no such order form is provided, then on an official form provided for that purpose by the State Board of Health.

(18) "Dispense" includes distribute, leave with, give away, dispose of, or deliver.

(19) "Registry number" means the number assigned to each person registered under the Federal Narcotic Laws.

HB 342, AN ACT relating to the production and sale of milk.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. (1) No producer of milk shall sell any milk or milk products which are in fair and open competition with products of the same general class produced by others, except pursuant to a fair trade contract containing the following provisions:

(a) That the producer shall sell milk at a price at least twenty percent in excess of the actual cost of production thereof. In no case, however, shall the actual price be computed at less than the average of Federal Milk Order prices for the last three years.

(b) That the purchaser of such milk or milk products will not resell such commodity except at the price stipulated by the vendor.

(c) That the purchaser require upon the sale of the milk or milk product to another that he will not, in turn, resell except at the prices stipulated by the producer.

(2) The fair trade contract shall not apply to resales in the following cases:

(a) When the product is deteriorated in quality, and notice is given to the public thereof; or

(b) By an officer acting under the orders of a court.

Section 2. (1) The fair trade contract shall provide for the following minimum resale prices without discount:

(a) Sales from milk producers to wholesalers, or processors, a minimum mark-up resale price without discount for wholesalers and processors, of not less than twenty percent.

(b) Sales from wholesalers or processors to retailers, a minimum mark-up resale price without discount for retailers of not less than fifteen percent.

(c) Sales from milk producers who are also processors, directly to retailers, a minimum mark-up resale price without discount for retailers of not less than thirty-five percent.

(d) Sales from retailers to consumers, a minimum mark-up resale price without discount for consumers of not less than ten percent.

(2) Any donations, free goods, bribery or rebates of any character whatsoever which constitutes any part of any inducement to purchase, before or subsequent to purchase, or which constitute any part of the consideration involved in any transaction covered by this Act, shall be violative of the minimum mark-up resale price.

(3) All mark-up resale prices must be calculated on the actual price of the commodity involved, including all taxes and transportation charges.

(4) No person shall offer to purchase or purchase or offer to sell or sell, any milk or milk products for a price less than that stipulated by the minimum mark-up provisions of this Act.

Section 3. All producers, wholesalers and processors shall file with the Department of Agriculture, Labor and Statistics five copies of the fair trade contracts under which such persons offer to sell, and sell, milk and milk products, not less than ten days prior to the date that such products are offered for sale.

Section 4. All persons who have filed fair trade contracts with the department may file amendments thereto, setting out any changes in the stipulated minimum resale prices contained in the original contract. Such amendments shall be filed at least ten days before such changes in price are made.

Section 5. (1) Any person covered by this Act, who advertises, offers for sale or sells any product covered by this Act at less than the price stipulated in a fair trade contract entered into under the provisions of this Act, whether or not he is a party to the contract, or who violates any of the provisions of this Act, shall be deemed to be guilty of unfair competition.

(2) Unfair competition is actionable at the instance of the person damaged thereby, notwithstanding the existence of any other remedy or penalty.

Section 6. Any person who, directly or indirectly, violates any of the provisions of this Chapter shall be fined not less than one hundred nor more than five hundred dollars. Each separate transaction shall be deemed a separate offense.

HB 350, AN ACT relating to Mental Health.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The Interstate Compact on Mental Health is hereby enacted into law and entered into by this state with all other states legally joining therein as follows:

INTERSTATE COMPACT ON MENTAL HEALTH

The contracting states solemnly agree that:

Article I

The party states find that the proper and expedious treatment of the mentally ill and mentally deficient can be facilitated by cooperative action, to the benefit of the patients, their families, and society as a whole. Further, the party states find that the necessity of and desirability for furnishing such care and treatment bears no primary relation to the residence or citizenship of the patient but that, on the contrary, the controlling factors of community safety and humanitarianism require that facilities and services be made available for all who are in need of them. Consequently, it is the purpose of this compact and of the party states to provide the necessary legal basis for the institutionalization or other appropriate care and treatment of the mentally ill and mentally deficient under a system that recognizes the paramount importance of patient welfare and to establish the responsibilities of the party states in terms of such welfare.

Article II

As used in this compact:

(a) "Sending state" shall mean a party state from which a patient is transported pursuant to the provisions of the compact or from which it is contemplated that a patient may be so sent.

(b) "Receiving state" shall mean a party state to which a patient is transported pursuant to the provisions of the compact or to which it is contemplated that a patient may be so sent.

(c) "Institution" shall mean any hospital or other facility maintained by a party state or political subdivision thereof for the care and treatment of mental illness or mental deficiency.

(d) "Patient" shall mean any person subject to or eligible as determined by the laws of the sending state, for institutionalization or other care, treatment, or supervision pursuant to the provisions of this compact.

(e) "After-care" shall mean care, treatment and services provided a patient, as defined herein, on convalescent status or conditional release.

(f) "Mental illness" shall mean mental disease to such extent that a person so afflicted requires care and treatment for his own welfare, or the welfare of others, or of the community.

(g) "Mental deficiency" shall mean mental deficiency as defined by appropriate clinical authorities to such extent that a person so afflicted is incapable of managing himself and his affairs, but shall not include mental illness as defined herein.

(h) "State" shall mean any state, territory or possession of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

Article III

(a) Whenever a person physically present in any party state shall be in need of institutionalization by reason of mental illness or mental deficiency, he shall be eligible for care and treatment in an institution in that state irrespective of his residence, settlement or citizenship qualifications.

(b) The provisions of paragraph (a) of this article to the contrary notwithstanding, any patient may be transferred to an institution in another state whenever there are factors based upon clinical determinations indicating that the care and treatment of said patient would be facilitated or improved thereby. Any such institutionalization may be for the entire period of care and treatment or for anv portion or portions thereof. The factors referred to in this paragraph shall include the patient's full record with due regard for the location of the patient's family, character of the illness and probable duration thereof, and such other factors as shall be considered appropriate.

(c) No state shall be obliged to receive any patient pursuant to the provisions of paragraph (b) of this article unless the sending state has given advance notice of its intention to send the patient; furnished all available medical and other pertinent records concerning the patient; given the qualified medical or other appropriate clinical authorities of the receiving state an opportunity to examine the patient if said authorities so wish; and unless the receiving state shall agree to accept the patient.

(d) In the event that the laws of the receiving state establish a system of priorities for the admission of patients, an interstate patient under this compact shall receive the same priority as a local patient and shall be taken in the same order and at the same time that he would be taken if he were a local patient.

(e) Pursuant to this compact, the determination as to the suitable place of institutionalization for a patient may be reviewed at any time and such further transfer of the patient may be made as seems likely to be in the best interest of the patient.

Article IV

(a) Whenever, pursuant to the laws of the state in which a patient is physically present, it shall be determined that the patient should receive after-care or supervision, such care or supervision, may be provided in a receiving state. If the medical or other appropriate clinical authorities having responsibility for the care and treatment of the patient in the sending state shall have reason to believe that after-care in another state would be in the best interest of the patient and would not jeopardize the public safety, they shall request the appropriate authorities in the receiving state to investigate the desirability of affording the patient such after-care in said receiving state, and such investigation shall be made with all reasonable speed. The request for investigation shall be accompanied by complete information concerning the patient's intended place of residence and the identity of the person in whose charge it is proposed to place the patient, the complete medical history of the patient, and such other documents as may be pertinent.

(b) If the medical or other appropriate clinical authorities having responsibility for the care and treatment of the patient in the sending state and the appropriate authorities in the receiving state find that the best interest of the patient would be served thereby, and if the public safety would not be jeopardized thereby, the patient may receive after-care or supervision in the receiving state.

(c) In supervising, treating, or caring for a patient on after-care pursuant to the terms of this article, a receiving state shall employ the same standards of visitation, examination, care, and treatment that it employs for similar local patients.

Article V

Whenever a dangerous or potentially dangerous patient escapes from an institution in any party state, that state shall promptly notify all appropriate authorities within and without the jurisdiction of the escape in a manner reasonably calculated to facilitate the speedy apprehension of the escapee. Immediately upon the apprehension and identification of any such dangerous or potentially dangerous patient, he shall be detained in the state where found pending disposition in accordance with law.

Article VI

The duly accredited officers of any state party to this compact, upon the establishment of their authority and the identity of the patient, shall be permitted to transport any patient being moved pursuant to this compact through any and all states party to this compact, without interference.

Article VII

(a) No person shall be deemed a patient of more than one institution at any given time. Completion of transfer of any patient to an institution in a receiving state shall have the effect of making the person a patient of the institution in the receiving state.

(b) The sending state shall pay all costs of and incidental to the transportation of any patient pursuant to this compact, but any two or more party states may, by making a specific agreement for that purpose, arrange for a different allocation of costs as among themselves.

(c) No provision of this compact shall be construed to alter or affect any internal relationships among the departments, agencies and officers of and in the government of a party state, or between a party state and its subdivisions, as to the payment of costs, or responsibility therefor.

(d) Nothing in this compact shall be construed to prevent any party state or subdivision thereof from asserting any right against any person, agency or other entity in regard to costs for which such party state or subdivision thereof may be responsible pursuant to any provision of this compact.

(e) Nothing in this compact shall be construed to invalidate any reciprocal agreement between a party state and a non-party state relating to institutionalization, care or treatment of the mentally ill or mentally deficient, or any statutory authority pursuant to which such agreements may be made.

Article VIII

(a) Nothing in this compact shall be construed to abridge, diminish, or in any way impair the rights, duties, and responsibilities of any patient's guardian on his own behalf or in respect of any patient for whom he may serve, except that where the transfer of any patient to another jurisdiction makes advisable the appointment of a supplemental or substitute guardian, any court of competent jurisdiction in the receiving state may make such supplemental or substitute appointment and the court which appointed the previous guardian shall upon being duly advised of the new appointment, and upon the satisfactory completion of such accounting and other acts as such court may by law require, relieve the previous guardian of power and responsibility to what ever extent shall be appropriate in the circumstances; provided, however, that in the case of any patient having settlement in the sending state, the court of competent jurisdiction in the sending state, shall have the sole discretion to relieve a guardian appointed by it or continue his power and responsibility, whichever it shall deem advisable. The court in the receiving state may, in its discretion, confirm or reappoint the person or persons previously serving as guardian in the sending state in lieu of making a supplemental or substitute appointment.

(b) The term "guardian" as used in paragraph (a) of this article shall include any guardian, trustee, legal committee, conservator, or other person or agency however denominated who is charged by law with power to act for or responsibility for the person or property of a patient.

Article IX

(a) No provision of this compact except Article V shall apply to any person institutionalized while under sentence in a penal or correctional institution or while subject to trial on a criminal charge, or whose institutionalization is due to the commission of an offense for which, in the absence of mental illness or mental deficiency, said person would be subject to incarceration in a penal or correctional institution.

(b) To every extent possible, it shall be the policy of states party to this compact that no patient shall be placed or detained in any prison, jail or lockup, but such person shall, with all expedition, be taken to a suitable institutional facility for mental illness or mental deficiency.

Article X

(a) Each party state shall appoint a "compact administrator" who, on behalf of his state, shall act as general coordinator of activities under the compact in his state and who shall receive copies of all reports, correspondence, and other documents relating to any patient processed under the compact by his state either in the capacity of sending or receiving state. The compact administrator or his duly designated representative shall be the official with whom other party states shall deal in any matter relating to the compact or any patient processed thereunder.

(b) The compact administrators of the respective party states shall have power to promulgate reasonable rules and regulations to carry out more effectively the terms and provisions of this compact.

Article XI

The duly constituted administrative authorities of any two or more party states may enter into supplementary agreements for the provision of any service or facility or for the maintenance of any institution on a joint or cooperative basis whenever the states concerned shall find that such agreements will improve services, facilities, or institutional care and treatment in the fields of mental illness or mental deficiency. No such supplementary agreement shall be construed so as to relieve any party state of any obligation which it otherwise would have under other provisions of this compact.

Article XII

This compact shall enter into full force and effect as to any state when enacted by it into law and such state shall thereafter be a party thereto with any and all states legally joining therein.

Article XIII

(a) A state party to this compact may withdraw therefrom by enacting a statute repealing the same. Such withdrawal shall take effect one year after notice thereof has been communicated officially and in writing to the governors and compact administrators of all other party states. However, the withdrawal of any state shall not change the status of any patient who has been sent to said state or sent out of said state pursuant to the provisions of the compact.

(b) Withdrawal from any agreement permitted by Article VII (b) as to costs or from any supplementary agreement made pursuant to Article XI shall be in accordance with the terms of such agreement.

Article XIV

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state party thereto, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

Section 2. The governor is authorized and empowered to designate an officer who shall be the compact administrator and who, acting jointly with like officers of other party states, shall have power to promulgate rules and regulations to carry out more effectively the terms of the compact. The compact administrator shall serve subject to the pleasure of the governor, and is authorized, empowered and directed to cooperate with all departments, agencies and officers of and in the government of this state and its subdivisions in facilitating the proper administration of the compact or of any supplementary agreement or agreements entered into by this state thereunder.

Section 3. The compact administrator is authorized and empowered to enter into supplementary agreements with appropriate officials of other states pursuant to Article VII and XI of the compact. In the event that such supplementary agreements shall require or contemplate the use of any institution or facility of this state or require or contemplate the provision of any service by this state, no such agreement shall have force or effect until approved by the head of the department or agency under whose jurisdiction said institution or facility is operated or whose department or agency will be charged with the rendering of such service.

Section 4. The compact administrator, subject to the approval of the Commissioner of Finance, may make or arrange for any payments necessary to discharge any financial obligations imposed upon this state by the compact or by any supplementary agreement entered into thereunder.

Section 5. Duly authenticated copies of this act shall be transmitted by the Secretary of State to the governor of each state, the Attorney General and the Secretary of State of the United States, and the Council of State Governments.

HB 351, AN ACT relating to mental health.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 210.050 of the Kentucky Revised Statutes is amended to read as follows:

The Department of Mental Health shall be divided for administrative purposes into:

(1) A Division of Professional Services, which shall supervise the administration of the clinical work in the state hospitals, conduct research on the incidence, causes and treatment of mental disorders,

conduct training programs for clinical personnel and maintain a system of clinical records and statistics;

(2) A Division of Hospital Administration which shall be responsible for administration of the function of the department in relation to budgets, expenditures, purchasing, maintenance, building projects, reimbursements, financial records and food service;

(3) A Division of Community Services, which shall administer psychiatric clinic service within the state, train professional personnel for staffing state and local health programs, and develop a program for public mental health education;

(4) Such other divisions as the Commissioner of Mental Health, upon written authorization of the Governor, may establish for administrative supervision of other functions of the department.

Section 2. Section 210.120 of the Kentucky Revised Statutes is amended to read as follows:

No physician or doctor employed by the Department of Mental Health shall receive or accept any compensation for personal services other than that paid by the state, except that the commissioner, and other physicians and doctors when so authorized by the commissioner, may be employed in, and receive compensation from outside activities such as teaching, research, or community service work, to an extent that will not interfere with the performance of the duties of their office or employment.

Section 3. Section 210.010 of the Kentucky Revised Statutes is amended to read as follows:

(1) There hereby is created a Department of Mental Health which shall constitute a statutory administrative department of the state government within the meaning of KRS Chapter 12. The department shall be headed by a Commissioner of Mental Health who shall be the executive officer and shall have sole charge of the administration of the department.

(2) The commissioner shall have authority, with the approval of the Governor, to appoint an assistant commissioner and directors of the various divisions in the department, and prescribe their duties. The assistant commissioner may be designated as director of a division.

(3) The commissioner shall have authority to prescribe rules and regulations for the administration of the department and of the institutions under the control of the department, including power to regulate the payment of money to patients in mental institutions for work performed.

HB 352, AN ACT relating to alcoholism and alcoholics and providing for the commitment, scientific treatment and rehabilitation of alcoholics.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The purpose of this act is to provide a program for the rehabilitation of alcoholics through the use of medical, psychiatric and other forms of treatment for alcoholism.

Section 2. As used in this Act, unless the context otherwise requires:

(1) "Alcoholism" means the abnormal condition which the effect of alcohol produces in a person who is an alcoholic.

(2) "Alcoholic" means any person who chronically and habitually uses alcoholic beverages to the extent that he loses the power of self-control with respect to the use of alcoholic beverages; or any person who chronically and habitually uses alcoholic beverages to the extent that he becomes a menace to the public morals, health, safety or welfare of the members of society in general.

Section 3. The circuit court or the county court of the county in which the person alleged to be an alcoholic resides shall have jurisdiction in all proceedings for the commitment, care and treatment of alcoholics.

Section 4. (1) Proceedings for the commitment, care, and treatment of any person alleged to be an alcoholic may be instituted by such person's husband, wife, child, mother, father, or by the county health officer of the county in which the person resides by filing with the clerk of the circuit court or with the clerk of the county court a petition for the trial and commitment of such person.

(2) Said petition shall allege that such person is an alcoholic, is a resident of the county in which the proceeding is initiated, and because of his alcoholism is incapable of or unfit to look after and conduct his affairs, or is dangerous to himself or others, or has lost his power of self-control because of periodic, constant or frequent use of alcoholic beverages, and that he is in need of care and treatment, and that his detention, care and treatment at an institution will improve his health.

Section 5. The defendant shall be notified of the proceedings by a summons issued requiring the defendant to appear at a time and place stated in the summons and not less than three days after service.

Section 6. (1) At the time fixed, the Court shall hear evidence on said petition, with or without the presence of the alleged alcoholic, and all persons interested shall have the right to appear and present evidence concerning the truth and correctness of the allegations of the petition.

(2) The court, in its discretion, may require that the alleged alcoholic be examined by the county health officer or by such other competent physician or physicians as the court may select, and may consider the results of such examination in reaching a decision.

(3) If the alleged alcoholic shall admit the truth and correctness of the allegations of the petition, or if the court shall find from the evidence that such person is an alcoholic and is in need of detention, care and treatment in an institution, he shall enter an order so finding and shall order that such person be remanded and committed to and confined in the proper state hospital with facilities for treatment of alcoholics to be designated by the Commissioner of Mental Health for care and treatment for a period not to exceed six months.

Section 7. When such person shall be so committed, the superintendent of the institution shall be vested with full discretion as to the treatment and discharge of such person, and may discharge and release such person at any time when the condition of such person shall so justify but in no event shall such person be confined for a period of longer than six months.

Section 8. (1) When any person is committed under Section 6 of this act the court shall at once notify the superintendent of the institution that such an order has been made and shall designate a competent attendant to convey the person to the institution.

(2) The county from which such person is committed shall pay the cost of transportation for the patient and the attendant.

Section 9. (1) Any resident of the Commonwealth of Kentucky may apply for treatment for alcoholism by filing a written application with the clerk of the circuit court or with the clerk of the county court of the county in which he resides. Any such application shall be supported by a medical statement, made by a licensed physician, stating that in the opinion of the physician the applicant is an alcoholic and that the applicant is mentally competent to make such application.

(2) Upon receipt of such application by the clerk he shall refer the application to the proper court, and the court shall have the authority to order and direct treatment of the applicant as in Section 6 of this act.

(3) Any applicant, committed under this section, having an estate which can be subject to debt, shall pay the cost of his own transportation and that of any attendant ordered by the court to accompany him to the institution to which he is ordered.

Section 10. The provisions of the law with respect to the cost of support, including methods of determination of persons liable therefor, and methods of determination of financial ability, and all provisions of law enabling the Commonwealth to secure reimbursement of any such items of cost, applicable to support of the mentally ill persons in state institutions, shall apply with equal force in respect to each item of expense incurred in connection with the care, custody, treatment and rehabilitation of any person committed to and maintained in any state institution under the provisions of this act.

Section 11. (1) No person who is committed to any state institution for treatment under the provisions of this act shall forfeit or be abridged thereby of any of his rights as a citizen of the United States or of the Commonwealth of Kentucky.

(2) The records pertaining to any person committed to a state institution for treatment, care, guidance and rehabilitation under this act shall be confidential and the contents thereof shall not be divulged except as provided by law in the case of a mentally ill person committed to a state institution.

HB 353, AN ACT relating to the transportation of mental patients.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 202.190 of the Kentucky Revised Statutes is amended to read as follows:

(1) When the superintendent of any institution receives the notice provided for by KRS 202.180, he shall immediately send a competent attendant or shall designate a competent person from the county in which the person has been adjudged insane to convey the person to the institution, and only the actual traveling expenses of conveying any person to the institution shall be paid. Each female committed to any institution shall be accompanied by a female attendant, unless accompanied by her father, brother, husband or son. No more than one person shall be compensated from the State Treasury for conveying a patient.

(2) Itemized statement of such expenses shall be approved by the superintendent and forwarded to the Commissioner of Welfare, who shall present the statement to the Department of Finance. Expenses shall be paid in the same manner as that prescribed for the payment of claims. Expenses incurred in returning patients to counties from which they were sent shall be paid in the same manner as expenses incurred in conveying patients to institutions.

SB 37, AN ACT enabling the State Tuberculosis Hospital Commission, on behalf of the Commonwealth of Kentucky, to acquire the title and to assume the operation and maintenance of Tuberculosis Sanatoria from Tuberculosis Sanatorium Districts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) That any District Board of Trustees of a Sanatorium District, and the Fiscal Court of the County or Counties involved, with the consent and approval of the State Tuberculosis Commission, may convey its District Sanatorium properties to the Commission. Upon the completion of such transfer the Commission shall thereafter assume the maintenance, operation, and administration theretofore performed by the District.

(2) When any such Tuberculosis Sanatorium District has received a gift, grant, or devise of money or property upon conditions, agreements or understandings from the donor, such conditions, agreements, or understandings shall be assumed and undertaken by the Commission for and on behalf of the Commonwealth.

(3) After the conveyance of the properties of a District to the Commission, and if the Commission or the Commonwealth ceases to use such properties as a Tuberculosis Sanatorium, or in the relief of suffering and in aid of humanity the properties shall revert to and be conveyed to the District and/or the Fiscal Court of the County.

(4) Such transfer shall not affect the validity of any mortgage or bonds, heretofore executed according to law, which shall constitute an incumbrance upon such property, and the Commission shall arrange for the payment of interest and principal of such mortgage or bonds out of any funds appropriated for that purpose.

SB 49, AN ACT relating to physical therapy and the practice thereof, including establishment of a Physical Therapy Board, collection of fees, and the issuance, suspension and revocation of licenses, and prescribing penalties for unlicensed practice of physical therapy and other violations of this Act.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. *Definitions.* As used in this Act, unless the context otherwise requires:

(a) "Physical Therapy" means the treatment of any bodily or mental condition of any person by the use of physical, chemical or mechanical agents; the properties of heat, light, water, electricity; massage; and therapeutic exercises, all under the prescription of a licensed medical doctor. The use of roentgen rays and radium for diagnostic or therapeutic purposes; the use of electricity for surgical purposes, including cauterization; and colonic irrigations are not authorized under the term "physical therapy" as used in this Act.

(b) "Physical Therapist" means a person who is licensed to practice physical therapy.

Section 2. *Use of Certain Words Prohibited.*

(a) No person shall hold himself out as a Physical Therapist or in any manner represent himself as a Physical Therapist in this State unless he is the holder of a valid and unrevoked license issued by the State Board of Physical Therapy. Provided, however, that nothing contained in this Act shall apply to the practice of chiropractic or prohibit any person licensed in this State according to law, from carrying out the therapy or practice for which he is duly licensed.

Provided further that persons regularly employed by the United States or in mental hospitals operated by the Commonwealth of Kentucky shall be exempted from the provisions of this Act while engaged in such employment.

(b) A licensed physical therapist may hold himself out as a "Physical Therapist" or "Licensed Physical Therapist" and may use the abbreviations "P. T." or "L. P. T." as a part of or immediately following his name, in connection with his profession. No person who is not the holder of a license from the State Board of Physical Therapy shall so use the terms "Physical Therapist" or "Licensed Physical Therapist" or the abbreviation "L. P. T." and no person other than licensees of said Board or physio-therapists licensed by the State Board of Health shall so use the abbreviation "P. T."

Section 3. *Board of Physical Therapy Created.* There is hereby established a State Board of Physical Therapy which shall consist of three members who shall be appointed by the Governor from a list of five persons submitted by the Kentucky Chapter of the American Physical Therapy Association, all of whom shall be residents of Kentucky and shall have engaged in the practice of physical therapy within this State for at least two years. Members of the first Board shall be appointed for terms of one, two, and three years, respectively. Subsequent appointments shall be for a term of two years and until their successors are appointed and qualify. Vacancies shall be filled by the Governor in like manner from a list of five submitted by the Kentucky Chapter of the American Physical Therapy Association. The Board shall annually elect a Chairman and a Secretary.

Section 4. *Duties of Board.* It shall be the duty of the State Board of Physical Therapy to receive application from persons desiring to become Physical Therapists and to determine whether said applicants meet the qualifications and standards required by this Act of all Physical Therapists. The Board shall also be charged with enforcement of the provisions of this Act.

The Board is hereby constituted a body corporate, with power to sue and be sued, to institute criminal proceedings in the name of the Commonwealth against violators of this Act, or to institute civil proceedings to enjoin violation thereof, or both. It shall investigate every supposed violation of this Act coming to its notice and shall take such action as it may deem to be appropriate. It shall be the duty of the Attorney General, the Commonwealth attorneys and the county attorneys to assist the Board in prosecuting all violations of this Act.

The Board shall meet at least once each quarter at such place in this state as may be selected by the Board. Two members of the Board shall constitute a quorum for the transaction of business. All meetings shall be held at the call of the Chairman upon not less than ten days written notice, unless notice shall be waived. The presence of any member at any meeting of the Board shall constitute a waiver of notice thereof by such member.

The Board may administer oaths and compel the attendance of witnesses to give testimony as to any matters pertaining to its duties. It shall keep a minute book containing a record of all meetings of the Board, and a register of all persons licensed under this Act. This register shall show the name of every living Physical Therapist in this State, his last known business and residence addresses, and the date and number of his license.

The Board shall adopt a seal which shall be affixed to every license granted by it. It may adopt and enforce reasonable regulations for the effectuation of the purposes of this Act, which regulations when properly filed with the Legislative Research Commission, shall have the force and effect of law.

Section 5. *Applications for and Issuance of Licenses.* To be eligible for licensure by the Board as a Physical Therapist, an applicant must be a high school graduate of good moral character, and a graduate of an accredited school of physical therapy approved by the Board. No school shall be approved unless it has been accredited or approved by the Council on Medical Education and Hospitals of the American Medical Association, or the American Physical Therapy Association.

Any person who possesses the aforementioned qualifications and who desires to be examined for licensure as a Physical Therapist in Kentucky shall make written application therefor to the Board, on forms to be provided by the Board, which shall be accompanied by an application fee of $25.00, no part of which shall be returned. If it appears from said application that the applicant possesses the qualifications required by this Act, such applicant shall be admitted to the next scheduled written examination in which his knowledge of anatomy, neuro-anatomy, kinesiology, physiology, pathology, psychology, neurology, medical ethics, technical procedures in the practice of physical therapy and such other subjects as the Board may determine to be necessary, shall be tested.

Examinations shall be held twice a year; in October and April, at Frankfort. Applicants who are admitted to the written examination may be granted temporary licenses which shall be valid until said applicants' examinations are graded and they are notified by the Board of their score thereon. All applicants who receive an average score of not less than 75 percentage points on the entire examination and not less than 65 percentage points on each subject in which examined shall be licensed as Physical Therapists and furnished with a certificate attesting thereto. This license shall be automatically renewed annually, without further examination, upon payment, on or before January 31 of each year, of a renewal fee to be fixed by the Board in an amount not to exceed $10.00. Licenses which are not renewed by that date shall lapse, except that the Board may reinstate a lapsed license upon payment of the renewal fee. Applicants who fail to receive a passing score on their examination shall not be licensed; but the Board may, by regulation, permit applicants to take the examination more than once.

Section 6. *Registration Without Examination.* The State Board of Physical Therapy may register as a physical therapist and may furnish a license without examination to any person who applies for registration on or before December 31, 1958, and who at the time of the passage of this Act, is practicing physical therapy in this State, and who possesses the qualifications required by this Act of all applicants for licensure as Physical Therapists in this State.

The Board may enter into reciprocity agreements with other states or foreign countries, providing for the mutual recognition of persons licensed or registered in Kentucky and such other states or foreign countries, if the standards of such other state or foreign country are determined by the Board to be as high as those of this State.

All applications for licensure without examination shall be accompanied by an application fee of $25.00, no part of which shall be returned.

Section 7. *Refusal, Revocation and Suspension of a License.* The Board, after due notice and hearing may refuse to license any applicant, and may refuse to renew the license of any licensed person, and may suspend or revoke the license of any licensed person:

(1) Who indulges in excessive use of alcoholic beverages or who is addicted to the use of narcotic drugs;

(2) Who has been convicted of violating any state or federal narcotic law;

(3) Who is, in the judgment of the Board, guilty of immoral or unprofessional conduct;

(4) Who has been convicted of a felony or any crime involving moral turpitude;

(5) Who has obtained or attempted to obtain a license by fraud or material misrepresentation or who has made any other false statement to the Board;

(6) Who is guilty, in the judgment of the Board, of gross negligence in his practice of physical therapy;

(7) Who has been declared insane by a court of competent jurisdiction and has not thereafter been declared lawfully sane;

(8) Who has treated or undertaken to treat human ailments otherwise than by physical therapy as defined in this Act, or who has undertaken to practice independent of the prescription, direction or supervision of a licensed medical doctor;

(9) Who has failed or refused to obey any lawful order or regulation of the Board.

Section 8. *Expense of Board.* All fees collected by the Board shall be paid into the State Treasury and credited to an account for the payment of all lawful expenses of the Board. Each member of the Board shall be entitled to a per diem of $10.00 and his reasonable expenses for attending each meeting of the Board, and the Board may employ such clerical assistance and purchase such materials and supplies as it may deem necessary for the proper discharge of its duties, all of which shall be paid for out of the account hereby created, on vouchers certified by the Chairman.

Section 9. *Penalties.* Each violation of Section 2 of this Act shall constitute a misdemeanor and be punished by a fine of not less than $50.00 nor more than $100.00 or by imprisonment for not less than 10 days nor more than 30 days, or both, for the first offense. Each subsequent violation thereof shall be punished by a fine of not less than $100.00 nor more than $300.00 or by imprisonment for not less than 30 days nor more than 90 days or both.

Any person who shall knowingly make a false statement in his application for licensure under this Act, or in response to any proper inquiry by the Board, shall be guilty of a misdemeanor and fined not less than $100.00 and not more than $1,000.00, or imprisoned for not less than 30 days nor more than 6 months, or both.

Section 10. *Appeals.* Any person aggrieved by an order of the Board denying, suspending or revoking his license may appeal to the Franklin Circuit Court within 30 days after entry of said order, for appropriate relief. On such appeal the scope of review shall be limited to an examination of the record of the Board's action for the purpose of determining whether the Board abused its discretion. It shall be the duty of the appellant to furnish the Court with a properly certified transcript of any evidence heard by the Board, and the Court may refuse to review any findings of fact made by the Board unless such a transcript is filed within 60 days after the filing of the appeal.

Section 11. *Short Title of This Act.* This Act may be cited as the "Physical Therapy Practice Act."

SB 81, AN ACT relating to trailer parks.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 219.120 of the Kentucky Revised Statutes is amended to read as follows:

(1) "Trailer coach" or "Mobile home" means any vehicle or similar portable structures used, or so constructed as to permit its being used, as a conveyance upon the public streets or highways, and designed to permit the occupancy thereof as a dwelling place for one or more persons;

(2) "Dependent trailer coach" or "Dependent mobile house" means a trailer coach which does not have toilet and bath or shower facilities;

(3) "Independent trailer coach" or "Independent mobile home" means a trailer coach with self-contained toilet and bath or shower facilities;

(4) "Trailer coach park" or "Park" means an area of land upon which two or more occupied trailer coaches are harbored, either free of charge or for revenue purposes, and shall include any building structure, tent, vehicle, or enclosure used or intended for use as a part of the equipment of such trailer coach park; provided, however, that in any county containing a city of the first class, "Trailer coach park" or "Park" means an area of land upon which one or more occupied trailer coaches are harbored, either free of charge or for revenue purposes, and shall include any building structures, tent, vehicle, or enclosure used or intended for use as a part of the equipment of such trailer coach park;

(5) "Trailer coach space" or "Trailer coach site" means a plot of ground within a trailer coach park designated for the accommodation of one trailer coach;

(6) "Department" means the State Department of Health;

(7) "Board" means the State Board of Health.

The Committee on Claims reported **HR 80, HR 75, HR 57, SR 20, HR 31, HR 58, SR 8** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HR 80, A JOINT RESOLUTION authorizing civil action against the Commonwealth of Kentucky and the Department of Highways, or either, in the interest of J. C. Metz and Martha Geraldine Metz.

WHEREAS, it appears that the persons involved suffered damages resulting from personal injury or property damage or both, on or about January 5, 1957, caused by the construction or maintenance, or both, of U. S. Highway 60, in Fayette County;

WHEREAS, it appears that this accident may have occurred as the proximate result of negligence on the part of the Commonwealth, or its employes; and

WHEREAS, the alleged damages to each of the persons involved, exceed the jurisdictional amount of the Board of Claims;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That J. C. Metz and Martha Geraldine Metz, and each of them in their own right, are authorized to sue the Commonwealth of Kentucky and the Department of Highways, or either of them, in the Fayette Circuit Court, for damages arising out of an accident which occurred on or about the 5th day of January, 1957, in

Fayette County, allegedly involving possible negligence on the part of the Commonwealth, or its employes; that the action shall be commenced within one year from the effective date of this Resolution, and that no plea of limitation shall be interposed if commenced within that time;

Section 2. That such action shall be for a sum not in excess of $160,000;

Section 3. That the Attorney General of the Commonwealth of Kentucky may investigate the claim and settle same before or after suit is filed if he deems it advisable;

Section 4. That any amount recovered in this action, either by settlement or judgment, shall be paid out of the general fund in the State Treasury upon warrant drawn by the Commissioner of Finance upon the State Treasurer;

Section 5. That final judgment in the action may be appealed by either party to the Court of Appeals in the manner provided in the Rules of Civil Procedure; and

Section 6. That no statement in this Resolution shall be considered by either the court or jury as an admission of negligence upon the part of the Commonwealth, and this Resolution shall not be introduced as evidence, nor commented upon by counsel in presence of the jury.

HR 75, A JOINT RESOLUTION authorizing William L. Brasher to sue the Commonwealth of Kentucky and the Department of Highways of Kentucky or either of them.

WHEREAS, on or about July 8, 1953, William L. Brasher, while operating his truck or automobile along a public highway known as U. S. Highway No. 51 in Hickman County, Kentucky, and exercising every precaution for his safety, by reason of the alleged defective condition of said Highway at the time aforesaid, was unable to keep the said motor vehicle under control and as a result thereof said motor vehicle left the paved highway and overturned.

WHEREAS, the Commonwealth of Kentucky and Department of Highways were allegedly careless and negligent in permitting the defective condition to exist in said public highway, and having alleged knowledge of said defects, in failing to provide the necessary safeguards to the said William L. Brasher, and as the sole, direct, and proximate result of the alleged carelessness and negligence aforesaid the said William L. Brasher suffered serious and permanent bodily injuries and was caused to spend great sums for medical and hospital care and was caused to endure much pain and suffering.

WHEREAS, all of the injuries, expenses, damages, and suffering heretofore set out were caused and produced by the alleged carelessness and negligence of the Commonwealth of Kentucky or Department of Highways or either of them, their agents, officers, and employees, and the said William L. Brasher was free of any negligence whatsoever which contributed to or in any manner brought about the injuries complained of.

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That William L. Brasher is authorized and permitted to sue the Commonwealth of Kentucky and the Department of Highways or either of them in the Circuit Court held in and for Hickman County, Kentucky, this being the County in which the damages and injuries complained of occurred, and the County where such injuries and damages were the direct and proximate result of the alleged carelessness and negligence of the Department of Highways.

Section 2. That said suit of William L. Brasher shall be for an amount not exceeding Twenty Five Thousand Dollars ($25,000.00).

Section 3. The Attorney General of the Commonwealth of Kentucky may investigate these claims against the Commonwealth of Kentucky and the Department of Highways or either of them, and settle said claim before or after suit is filed if he deems it advisable. Any amount recovered in said suit or by said settlement with the Attorney General shall be paid out of the State Road Fund upon warrant drawn by the Commissioner of Finance by the Treasury of Kentucky.

In the event suit is filed and judgment rendered by the Circuit Court of Hickman County, either party may appeal to the Court of Appeals of Kentucky.

Section 4. No statement in the resolution shall be considered by either the Court or the Jury as an admission of negligence upon the Commonwealth of Kentucky and the Department of Highways or either of them, and this resolution shall not be introduced as evidence, nor commented upon by counsel in the argument of the case to the jury.

Section 5. Said suit shall be commenced within one year from the effective date of this resolution and no plea of limitations shall be maintained if commenced within that time.

HR 57, A CONCURRENT RESOLUTION requesting that the Civil Aeronautics Board give immediate consideration to a petition seeking scheduled airline service to Frankfort, Kentucky.

WHEREAS, the City of Frankfort is the capital of the great Commonwealth of Kentucky and the focal point of the entire state government;

WHEREAS, there is no direct scheduled airline service to Frankfort, one of only three state capitals in the United States without such service;

WHEREAS, an excellent airport, partially financed and wholly operated by the state government, is located at the City of Frankfort;

WHEREAS, the General Assembly is now sitting at the state capital, and legislators residing in distant parts of the state are inconvenienced by the lack of public air transportation to the capital;

WHEREAS, many state officials, professional men, businessmen and ordinary citizens are similarly inconvenienced by the lack of public air transportation to the capital; and

WHEREAS, there is presently before the Civil Aeronautics Board a petition seeking scheduled airline service for the City of Frankfort;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the Commonwealth of Kentucky, the Senate Concurring therein:

Section 1. That the Civil Aeronautics Board be urged to give immediate consideration to a petition filed by the Kentucky State Department of Aeronautics seeking the issuance of an emergency certificate for daily scheduled airline service to Frankfort and Cincinnati, Ohio, by permitting Ozark Airlines, Inc., to terminate daily flights from Paducah at Cincinnati by way of Frankfort, instead of at Louisville, as now is the case.

Section 2. The Clerk of the House of Representatives is directed to forward copies of this resolution to the Chairman, Vice Chairman, and each of the members of the Civil Aeronautics Board and to each of the Senators and Representatives from Kentucky now serving in Congress.

SR 20, A RESOLUTION authorizing Helen Klinglesmith, a female white person over the age of twenty-one to sue the Commonwealth of Kentucky and the State Department of Highways, or either of them.

WHEREAS, On the 4th day of November, 1954, at or about the hour of 8:30 A.M., Helen Klinglesmith of Louisville, Jefferson County, Kentucky, was operating her 1952 Chevrolet automobile in a northwardly direction on Preston Highway in Jefferson County when her car was caused to come to a stop at a cross-walk opposite Prestonia School by a traffic officer for the purpose of permitting school children to cross over Preston Highway and while her car was standing in a still position, a truck owned and operated by the State Department of Highways of the Commonwealth of Kentucky and particularly driven by a chauffeur by the name of Mudd, said truck was caused to and did run into and collide with the rear end of her 1952 Chevrolet automobile and at the time the said Helen Klinglesmith who is married and is a housewife was in a pregnant condition and by reason of the said collision she was caused to be seriously, painfully and permanently injured and as well as sustaining a severe shock to her nerves and nervous system and by reason thereof she further suffered a miscarriage causing her to lose her child.

WHEREAS, It is claimed that Helen Klinglesmith was at the time and place properly operating her car and obeying the laws of the Commonwealth and that the truck driver who was a servant, agent and employee of the Commonwealth of Kentucky and the State Department of Highways of the Commonwealth of Kentucky at the time and place of the collision hereinabove mentioned was not properly operating the truck he was driving or obeying the law, in that he was operating said truck then and there in a careless and reckless manner and without due regard and observation for vehicles immediately ahead of him on the highway and particularly the one involved herein being stopped by an officer of the law to permit children to cross the highway.

WHEREAS, It is claimed that the said Helen Klinglesmith had to undergo medical and doctor's treatment and that the loss of her unborn child which is her greatest loss and which is a serious and permanent shock to her body and that she has suffered great mental anguish since that time.

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Helen Klinglesmith be and she is hereby authorized and permitted to sue the Commonwealth of Kentucky and the Department of Highways of the Commonwealth of Kentucky, or either, in the Jefferson Circuit Court the County in which the accident occurred, for damages; for physical and mental pain and suffering for the loss of her unborn child, by reason of the said collision being the proximate cause of her miscarriage; for her medical and doctor's care; for shock to her nerves and nervous system; for loss of her personal property by reason of the damage to her automobile which was caused and brought about by the negligence and carelessness of the servant, agent and employee of the Commonwealth of Kentucky and State Department of Highways of the Commonwealth of Kentucky, or either. Said suit shall be for an amount not exceeding the sum of twenty-five thousand dollars ($25,000.00).

No plea of limitation shall be interposed.

The Attorney General of the Commonwealth of Kentucky may investigate this claim against the Commonwealth of Kentucky and the State Department of Highways of the Commonwealth of Kentucky, or either herein, and settle said claim before suit is filed, if he deems advisable.

Any amount recovered in said claim, either by compromise, settlement or judgment, shall be paid out of the general fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer of the Commonwealth of Kentucky.

In the event judgment is rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

STATE OF KENTUCKY)
) SS.
COUNTY OF JEFFERSON)

AFFIDAVIT

Affiant, Helen Klinglesmith, states that she is the wife of Guy W. Klinglesmith and that she is a resident of Jefferson County, Kentucky, residing at 6009 Linda Road and that she is thirty-two years of age.

Affiant states that on November 4, 1954, at or about the hour of 8:30 A.M. and while operating a 1952 Chevrolet automobile, she was caused to bring her car to a stop by reason of a traffic officer signaling her to do so at a cross-walk leading across Preston Highway to the Prestonia School and for the purpose of permitting school children to cross over.

Affiant states that while her car was standing still, a truck of the State Highway Department, operated by a Mr. Mudd, came around the corner behind her car and before stopping caused this truck to impact into the back of her car causing it to be considerably damaged and to depreciate in value to the extent of $300.00.

Affiant states that at the time of the collision, she was two and one-half months pregnant and as a result of the collision, she was caused to have a miscarriage losing her child and as a further result she suffered personal injuries to herself and was under medical and hospital care.

Affiant states that as a result of the foregoing and all of which, she was damaged in the sum of $25,000.00 and that she feels she is entitled the right to recover these damages from the Commonwealth of Kentucky and she files herewith this affidavit with her resolution requesting the legislature to pass upon same and grant her right to sue the Commonwealth of Kentucky.

Further affiant sayeth not.

SS/Helen Klinglesmith

HELEN KLINGLESMITH

Subscribed and sworn to before me by Helen Klinglesmith, this 18th day of January, 1958.

My Commission expires June 24, 1961.

SS/Ralph G. Stone

NOTARY PUBLIC, JEFFERSON COUNTY, KENTUCKY

HR 31, A JOINT RESOLUTION authorizing civil action against the Commonwealth of Kentucky and the Department of Highways, or either, in the interest of M. C. Webb and Sadie Webb, his wife.

WHEREAS, it appears that on or about October 27, 1956, M. C. Webb and Sadie Webb, his wife, were, through alleged fraud and mistake, induced to convey certain tracts of land to the Department of Highways of the Commonwealth of Kentucky, constituting a right-of-way over the property of M. C. Webb and Sadie Webb, his wife, and that the reasonable value of such land is $2,000;

WHEREAS, it further appearing that as a result of the negligent manner in which the Department of Highways constructed a highway over the property of M. C. Webb and Sadie Webb, a pond on their property has gone dry and another pond on adjacent land is filling up and they have been damaged in the sum of $500;

WHEREAS, it further appearing that the land in question was taken by the Department of Highways of the Commonwealth of Kentucky, without authority of law and without their permission, and that by reason of such taking the said M. C. Webb and Sadie Webb have been damaged in the sum of $2,000;

WHEREAS, it further appearing that the remaining portion of the land of M. C. Webb and Sadie Webb has been damaged by reason of the alleged negligent manner in which the highway was constructed, in the sum of $1,000; and

WHEREAS, the alleged damages to the persons involved exceed the jurisdictional amount of the Board of Claims;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That M. C. Webb and Sadie Webb, his wife, are authorized to sue the Commonwealth of Kentucky and the Department of Highways, or either of them, in the Russell Circuit Court for alleged possible negligence on the part of the Commonwealth, or the Department of Highways, or both; that the action shall be commenced within one year from the effective date of this Resolution, and that no plea of limitation shall be interposed if commenced within that time;

Section 2. That such action shall be for a sum not in excess of $5,500.00;

Section 3. That the Attorney General of the Commonwealth of Kentucky may investigate the claim and settle same before or after suit is filed if he deems it advisable;

Section 4. That any amount recovered in this action, either by settlement or judgment, shall be paid out of the State Road Fund in the State Treasury upon warrant drawn by the Commissioner of Finance upon the State Treasurer;

Section 5. That final judgment in the action may be appealed by either party to the Court of Appeals in the manner provided in the Rules of Civil Procedure; and

Section 6. That no statement in this Resolution shall be considered by either the court or jury as an admission of negligence upon the part of the Commonwealth, and this Resolution shall not be introduced as evidence, nor commented upon by counsel in presence of the jury.

HR 58, A JOINT RESOLUTION authorizing civil action against the Commonwealth of Kentucky and the Department of Welfare, or either, in the interest of James Burdette.

WHEREAS, it appears that James Burdette, while employed by the Department of Welfare at Greendale, as a plasterer, and on or about November 18, 1952, was injured;

WHEREAS, it appears further that this accident may have occurred as the proximate result of negligence on the part of the Commonwealth, or its employes; and

WHEREAS, the alleged damages to the person involved exceed the jurisdictional amount of the Board of Claims;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That James Burdette is authorized to sue the Commonwealth of Kentucky and the Department of Welfare, or either of them, in the Fayette Circuit Court for damages arising out of an accident which occurred on or about the 18th day of November, 1952, at Greendale, in Fayette County, allegedly involving possible negligence on the part of the Commonwealth or its employes; that the action shall be commenced within one year from the effective date of this Resolution, and that no plea of limitation shall be interposed if commenced within that time;

Section 2. That such action shall be for a sum not in excess of $6,000;

Section 3. That the Attorney General of the Commonwealth of Kentucky may investigate the claim and settle same before or after suit is filed if he deems it advisable;

Section 4. That any amount recovered in this action, either by settlement or judgment, shall be paid out of the Welfare Fund in the State Treasury upon warrant drawn by the Commissioner of Finance upon the State Treasurer;

Section 5. That final judgment in the action may be appealed by either party to the Court of Appeals in the manner provided in the Rules of Civil Procedure; and

Section 6. That no statement in this Resolution shall be considered by either the court or jury as an admission of negligence upon the part of the Commonwealth, and this Resolution shall not be introduced as evidence, nor commented upon by counsel in presence of the jury.

SR 8, A JOINT RESOLUTION authorizing civil action against the Metropolitan Sewer District of Jefferson County, Kentucky, and/or against the Commonwealth of Kentucky, Department of Highways, in the interest of Norman Thomas Gnau and his insurers, Pennsylvania Fire Insurance Company and Ohio Casualty Insurance Company.

WHEREAS, it appears by affidavit that said Norman Thomas Gnau, on the 22nd day of January, 1957, was driving his car on Old Shepherdsville Road, Jefferson County, Kentucky, at 5:56 P. M. and during the hours of darkness, when he came upon an unlighted obstruction placed across said road, being a state highway, said obstruction having been placed there by the Metropolitan Sewer District. The said Norman Thomas Gnau, in seeking to avoid collision with the unlighted barricade, struck another car going in the opposite direction. The damages incurred by said Norman Thomas Gnau and his insurers, Pennsylvania Fire Insurance Company and Ohio Casualty Insurance Company, were and are in the total amount of Fifteen Thousand ($15,000.00) Dollars, said claims individually and respectively being in the amounts of $6338.80, $2200.00 and $6461.20.

WHEREAS, it appears by affidavit that this accident may have occurred as proximate result of negligence on the part of the Commonwealth, or its employees, and/or on the part of the Metropolitan Sewer District of Jefferson County, Kentucky, and/or its employees.

WHEREAS, the alleged damages exceeds the jurisdictional amount of the Board of Claims;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Norman Thomas Gnau and his insurers, Pennsylvania Fire Insurance Company and Ohio Casualty Insurance Company, and each of them, as their interests do appear, is authorized to sue the Commonwealth of Kentucky, Department of Highways, and/or the Metropolitan Sewer District of Jefferson County, Kentucky, in the Jefferson Circuit Court, for damages arising out of an accident which occurred on the 22nd day of January, 1957, near Louisville in Jefferson County, allegedly involving possible negligence on the part of the Commonwealth, or its employees and/or the Metropolitan Sewer District of Jefferson County, Kentucky, or its employees; that the action shall be commenced within one year from the effective date of this Resolution, and that no plea of limitation shall be interposed if commenced within that time.

Section 2. That such action or actions shall be for a total sum not in excess of $15,000.00.

Section 3. That the Attorney General of the Commonwealth of Kentucky and/or the attorney for Metropolitan Sewer District of Jefferson County, Kentucky, may investigate the claims and settle them or any of them before or after suit is filed if either deems it advisable.

Section 4. That any amount recovered in this action, either by settlement or judgment, shall be paid by check drawn against the Commonwealth of Kentucky, Road Fund, in the State Treasury upon warrant drawn by the Commissioner of Finance upon the State Treasurer, and/or the Metropolitan Sewer District of Jefferson County, Kentucky.

Section 5. That final judgment in the action may be appealed by either party to the Court of Appeals in the manner provided in the Rules of Civil Procedure; and

Section 6. That no statement in this Resolution shall be considered by either the court or jury as an admission of negligence upon the part of the Commonwealth or Metropolitan Sewer District, and this Resolution shall not be introduced as evidence, nor commented upon by counsel in presence of the jury.

The Committee on Claims reported **HR 18** with the expression of opinion that the same should pass with Committee amendments. Read at length for the first time and ordered placed in the Calendar.

HR 18, A JOINT RESOLUTION authorizing reimbursement to C. S. Woodward for funds expended in payment of premium on official bond.

WHEREAS, it appears that C. S. Woodward was during the period of January 4, 1954 to January 4, 1956 the duly elected and acting sheriff of Mason County;

WHEREAS, it appears C. S. Woodward as such duly elected and acting sheriff of Mason County did, as required by law, cause to be executed an official bond by an incorporated surety company for each of the indicated years;

WHEREAS, it appears that the said C. S. Woodward paid the premiums in the amount of one hundred and thirty-five dollars on the said bonds for the years indicated;

WHEREAS, by the provisions of Section 62.155 of the Kentucky Revised Statutes each sheriff has a valid claim against the state for the amounts paid by him for premiums on the bonds required of him by law when the bonds have been executed by an incorporated surety company authorized to do a surety business in Kentucky, and when the claims are verified by the sheriff's affidavit; and

WHEREAS, the said C. S. Woodward has made a properly verified claim against the Department of Finance of the Commonwealth of Kentucky in the amount of one hundred and thirty-five dollars, the total amount of premiums paid by the said C. S. Woodward on the official bonds required of him for the years indicated, which claim the said Department of Finance has refused to pay for the reason that said claim was not presented for payment within the time prescribed by Section 45.231 of the Kentucky Revised Statutes;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That C. S. Woodward has a proper claim against the Commonwealth in the amount of one hundred and thirty-five dollars for premiums paid by the said C. S. Woodward on official bonds which he, the said C. S. Woodward, as the duly elected and acting sheriff of Mason County during the period January 4, 1954 to January 4, 1956, was required by law to have executed.

Section 2. That, it appearing that said claims have not been paid, the Commissioner of Finance is hereby authorized and directed to draw a warrant in favor of C. S. Woodward, when the claim is presented, in the amount aforesaid and transmit same to the State Treasurer, who shall issue a check in favor of the said C. S. Woodward in the amount of one hundred and thirty-five dollars.

Amend printed copy of **HR 18** on page 1, line 9. Delete word "Mason". Insert word "Robertson".

Amend printed copy of **HR 18** on page 1, line 7. Delete word "Mason". Insert word "Robertson".

Amend printed copy of **HR 18** on page 2, section 1, line 5. Delete word "Mason". Insert word "Robertson".

The Committee on Suffrage, Elections and Constitutional Amendments reported **HB 322, HB 323, HB 154, SB 31, SB 27** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 322, AN ACT relating to elections and amending Sections 116.040; 117.620 (1); 119.030; 119.080 and 119.200 (1) of the Kentucky Revised Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 116.040 of the Kentucky Revised Statutes is amended to read as follows:

There shall be a county board of election commissioners, consisting of the sheriff of the county and two commissioners appointed by the State Board of Election Commissioners, not later than the first Saturday in May, for a term of one year and until their successors are appointed and qualified. Where from any cause the sheriff cannot act, the circuit clerk shall act in his place. If, for any cause, neither of these officers can act, a vacancy shall exist to be filled as herein provided for the duration of their inability to act. The appointed commissioners shall be at least twenty-five years of age and shall be qualified electors of the county from which they are appointed. No commissioner shall be a candidate to be voted for at the election. One commissioner shall be appointed from each of the two political parties that polled the largest number of votes in the state at the last preceding election for state officers or presidential electors. If lists of five names are designated to the state board in writing by the county executive committees of the parties, the appointments shall be made from those lists. If there are two or more contending executive committees of the same party in the county, the committee that is recognized by the state central committee, by written certificate of the chairman thereof, shall be recognized by the state board in making the appointments. The county commissioners shall qualify by taking, before the county clerk, an oath faithfully to perform their duties according to law. The clerk shall make a certificate of the oath and file it in his office. Vacancies shall be filled by appointment by the state board from the names already designated, and the person appointed to fill the vacancy shall be of the same political party as his predecessor.

Section 2. Subsection (1) of Section 117.620 of the Kentucky Revised Statutes, is amended to read as follows:

(1) Any person possessing the qualifications for registration as a legal voter may appear before the county clerk of the county of his residence or at the temporary branch offices authorized by the county board of registration and purgation, or at the permanent office or a branch office of the board of registration commissioners if he resides in a city of the first class, and register, or change his party affiliation, at any hour of any day that the office of the county clerk or said temporary branch office or the board of registration commissioners is open for business. The county clerk of every county and the board of registration commissioners of every city of the first class shall cause

all registration books or lists to be closed fifty-nine days prior to, and five days following, any primary or general election, and ten days prior to any special election or city primary held under the provisions of KRS 89.060 and KRS 89.440, and no voter shall be registered or be permitted to change his registration during the period that the books are closed; provided, however, the registration books shall be closed only in those precincts in which the election is held.

Section 3. Section 119.030 of the Kentucky Revised Statutes is amended to read as follows:

Candidates for unexpired terms to be filled at a regular election shall be nominated at the primary next preceding the regular election, if the vacancy occurred not less than seventy days before the primary. If the vacancy occurred less than seventy days before the primary, or at any time after the primary, but not less than three months before the regular election, the nomination shall be made in a manner determined by the governing authority of the political party concerned. In the preparation of ballots, candidates for full terms shall be grouped together, and candidates for unexpired terms shall be grouped together, under appropriate headings, so that the voter may easily distinguish the candidates for full terms from the candidates for unexpired terms.

Section 4. Section 119.080 of the Kentucky Revised Statutes is amended to read as follows:

Candidates for offices to be voted for by the electors of one county or of a district less than a county, except members of Congress, shall file their nomination papers with the county clerk not less than forty-five days before the day fixed by law for holding the primary election. Candidates for offices to be voted for by the electors of more than one county, and for members of Congress, shall file their nomination papers with the Secretary of State not less than fifty-five days before the day fixed by law for holding the primary election.

Section 5. Subsection (1) of Section 119.200 of the Kentucky Revised Statutes is amended to read as follows:

(1) Before a person shall be qualified to vote in a primary election, he must possess all the qualifications required of voters in a regular election. In addition, he must be a registered member of the party whose ballot he seeks to vote, and must have been registered as a member of that party at the time of the preceding regular election, or, in the case of new registrations not involving a change of political affiliation made after the preceding regular election, have registered and remained registered as a member of that party. No person shall be allowed to vote any ballot other than that of the party of which he is a registered member. The qualifications shall be determined as of the date of the primary, without regard to the qualifications or disqualifications as they may exist at the succeeding regular election, except that

minors who will become eighteen years of age before the regular election shall be entitled to vote in the primary if otherwise qualified.

HB 323, AN ACT relating to election offenses.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Any person who directly or indirectly uses force to prevent, or threatens to prevent, or endeavors to prevent, any recipient of state aid who is a lawful voter from voting in any election, or makes use of any threat, force or restraint, to inflict or threaten to inflict any injury, damage, harm or loss of aid, or in any manner practices intimidation upon or against any such person, in order to induce or compel him to vote or refrain from voting for any particular person or measure, shall be imprisoned in the penitentiary for not less than one year nor more than two years, or fined not less than $500 nor more than $1,000, or both.

HB 154, AN ACT proposing amendment of Sections 3 and 49 of the Constitution of Kentucky relative to the payment of a bonus.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. It is proposed that Section 3 of the Constitution of Kentucky be amended to read as follows:

All men, when they form a social compact, are equal; and no grant of exclusive, separate public emoluments or privileges shall be made to any man or set of men, except in consideration of public services, which services shall include active duty in the Armed Forces of the United States during time of war; but no property shall be exempt from taxation except as provided in this Constitution, and every grant of a franchise, privilege or exemption, shall remain subject to revocation, alteration or amendment.

Section 2. It is proposed that Section 49 of the Constitution of Kentucky be amended to read as follows:

The General Assembly may contract debts to meet casual deficits or failures in the revenue; but such debts, direct or contingent, singly or in the aggregate, shall not at any time exceed five hundred thousand dollars, and the moneys arising from loans creating such debts shall be applied only to the purpose or purposes for which they were obtained, or to repay such debts: Provided, the General Assembly may contract debts to pay a bonus to members of the Armed Forces of the United States who were on active duty during time of war, to repel invasion, suppress insurrection, or, if hostilities are threatened, provide for the public defense.

Section 3. This proposed amendment shall be submitted to the voters of the Commonwealth for their ratification or rejection at the time and in the manner provided in Sections 256 and 257 of the Constitution and in Sections 118.170 and 118.430 of the Kentucky Revised Statutes.

SB 31, AN ACT relating to registration of voters.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 117.620 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person possessing the qualifications for registration as a legal voter may appear before the county clerk of the county of his residence or at the temporary branch office authorized by the county board of registration and purgation, or at the permanent office or a branch office of the board of registration commissioners if he resides in a city of the first class, and register, or change his party affiliation, at any hour of any day that the office of the county clerk or said temporary branch office or the board of registration commissioners is open for business. The county clerk of every county and the board of registration commissioners of every city of the first class shall cause all registration books or lists to be closed fifty-nine days prior to and five days following any primary or general election and ten days prior to any special election. However, when an election is held entirely within a city or part thereof, the registration books shall be open to persons who by reason of residence could not participate in the city election. No person shall be registered or be permitted to change his registration during the period that the books are closed to applicants of his residence classification.

(2) In all counties the county clerk, when authorized by the county board, shall receive registrations, transfers, or change of party affiliation at branch offices at any place in the county, provided such offices are housed in a public building to be selected by the county board. The branch offices shall not be open for a longer period than fifteen days, prior to the closing of the registration books prior to any primary or general election, and but one branch office shall be open in any county at the same time. Any person possessing the qualifications for registration as a legal voter of any voting precinct in the county may appear before the clerk during the period the books are open at the office or branch office, and register or change his party affiliation or transfer his registration card.

(3) For the purpose of registering voters in a city of the second or third class which is not the county seat, the county clerk shall maintain a branch office in the courthouse or city hall of the city and take thereto the registration books for each voting precinct in the city and keep them there during the periods the books are open.

(4) Any voter who wishes to change his party affiliation and who does not wish to apply in person may apply to the county clerk, or to

the board of registration commissioners if he resides in a city of the first class, by letter or by form which may be provided. The clerk or board shall then mail a notice to the address of the voter appearing on the existing registration records, stating that such application has been made and the particulars thereof, and that the change will be made unless protest is filed at the office of the clerk or the board within ten days from the date of notice. If no protest is filed within the ten day period, the county clerk or the board shall change the party affiliation of the voter as requested. If a protest is filed, the change shall not be made until the clerk or the board has investigated the matter and given the protesting voter an opportunity to be heard. The date on which the change is made shall be noted on the voter's registration record. No change of party affiliation shall be made except on those days when registrations are allowed under subsection (1) of this section.

SB 27, AN ACT relating to the conduct of regular elections.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 118.400 of the Kentucky Revised Statutes is amended to read as follows:

(1) The county board of election commissioners shall issue certificates of election where the successful candidate was voted for by a county or by a district less than one county. The board shall forward the certificate to the elected candidate, unless he has failed to comply with KRS 123.060, 123.070 or 123.080. If the board finds that two or more candidates have received the highest and equal number of votes for the same office, the board shall determine by lot which of the candidates is elected.

(2) In the case of offices voted for by the state at large or by a district greater than one county, and in the case of public questions submitted to the vote of the people of the state at large or of a district greater than one county, the county board of election commissioners shall make out duplicate certificates of the total number of votes received by each of the candidates for such offices, and the total number of votes for and against each of such questions. The county clerk shall keep one of the certificates in his office. He shall not later than three days after the completion of the count of the votes by the board, forward the other certificate by mail to the Secretary of State, who shall deliver it to the State Board of Election Commissioners.

Section 2. Any county clerk who fails to comply with subsection (2) of KRS 118.400 shall be fined not less than twenty-five dollars nor more than one hundred dollars. Each day such violation occurs shall constitute a separate offense.

The Committee on Suffrage, Elections and Constitutional Amendments reported **HB 87** with the expression of opinion that the same should pass with Committee amendments. Read at length for the first time and ordered placed in the Calendar.

HB 87, AN ACT relating to election challengers.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 118.240 of the Kentucky Revised Statutes is amended to read as follows:

(1) The county executive committee of any political party having a ticket to elect at any regular election may designate not more than two challengers to be present at and witness the holding of the election in each precinct in the county. The challengers shall be entitled to stay in the room or at the door. These political party challengers shall be appointed in writing signed by the chairman of the committee, and shall produce written appointments on demand of any election officers.

(2) Any organization of citizens within any county having as its purpose or interest the prevention, investigation or prosecution of election frauds may file with the chairman or acting chairman of the county board of election commissioners, at least thirty days before any general, primary or special election, a petition, signed by the chairman or presiding officers of said organization and at least three other members of the organization, asking that said organization be permitted to name two challengers to serve at each precinct in the election. If more than one organization of citizens, alleging that it has as its purpose or interest the prevention, investigation or prosecution of election frauds, files such a petition, the county board of election commissioners shall, in certifying challengers, alternate between the organizations of citizens, as follows: Not less than twenty days before the election the county board of election commissioners shall notify by registered mail the chairman or presiding officers of each aforesaid organization of a convenient meeting place and a time, which shall not be less than fifteen days before the election, at which the precincts will be allotted. At the time and place aforesaid each such organization shall be represented by its chairman or presiding officer or by another member designated in writing to represent it, and the county board of election commissioners shall then and there make a division of the precincts, as nearly equally as possible, among the organizations, in a manner satisfactory to all parties concerned or by drawing lots.

(3) If an organization of citizens which has filed a petition, as provided in this section, believes that any other organization, which has likewise filed such a petition, is not a bona fide citizens group or does not in good faith seek to prevent, investigate or prosecute election frauds, it may institute proceedings in the county court, and upon a hearing the county judge shall determine whether such challenged organization shall be permitted to name challengers.

(4) The organization of citizens shall, at least five days before the election, file the names of persons nominated by it to be challengers with the chairman of the county board of election commissioners, together with the precincts in which they are to serve, which may be all or any part of the precincts in which the organization is entitled to name challengers. The county board of election commissioners shall, within two days thereafter, certify the nominees of the organization for the respective precincts to serve as challengers. Such challengers shall perform their duties in the same manner, be subject to the same penalties and have the same privileges as challengers designated by a political party, except as provided in subsection (2) of Section 3 of this Act.

(5) Each challenger shall take the following oath: "You do solemnly swear that you will faithfully and impartially discharge the duties as official challenger assigned by law; that you will not cause any delay to persons offering to vote, further than is necessary to procure satisfactory information of the qualification of such person as an elector; that you will use no means to influence a voter; and that you will not disclose to any person how any elector has voted."

Section 2. Section 118.380 of the Kentucky Revised Statutes is amended to read as follows:

(1) In all regular elections, the governing authority of each political party may designate to the county board of election commissioners one representative to meet with the board as provided in KRS 118.370. The board shall permit such representatives to assist in and witness the count of the ballots in all the precincts in the county, and each of such representatives shall have equal and full opportunity to inspect and count the ballots.

(2) Any organization of citizens which complies with the provisions of KRS 118.240 relative to such organizations may name inspectors at any general election who shall serve in the same manner, be subject to the same penalties, and have the same privileges as inspectors designated by a political party.

Section 3. Section 119.210 of the Kentucky Revised Statutes is amended to read as follows:

(1) Each political party is entitled to have not more than two challengers at each precinct during the holding of the primary election. Any group of bona fide candidates, as defined in KRS 116.110, of the same political party equal to twenty-five percent of all the candidates for that party to be voted for in a county in any primary, including state, district and all other candidates, may recommend to the county committee or governing authority of the party for the county a list of persons whom they desire to have appointed as challengers in each precinct in the county. If more than two such lists are furnished, the committee or governing authority, in making ap-

pointments of challengers, shall alternate between the several lists so furnished so as to give to each list an equal amount or proportion of the appointments, but in no event shall there be appointed more than one challenger for any precinct from any one list. The list of challengers shall be presented to the chairman or secretary of the party committee of the county not less than seven days before the date on which the primary is to be held, and the committee or the chairman thereof shall make the appointments and certify to same at least four days before the date on which the primary is held. The appointment of challengers shall be certified in all respects as challengers at regular elections, except as otherwise provided in this section, and the challengers shall be subject to the same penalties and possess the same rights and privileges as challengers at regular elections, except that the challengers of one political party shall not be entitled to challenge persons who offer to vote for candidates of any other party in the primary. The provisions of this section shall be enforceable against the chairmen of the political party committees in the manner provided in KRS 116.110.

(2) Any organization of citizens which complies with the provisions of KRS 118.240 relative to such organizations may designate challengers in a primary election as provided in that section. Such challengers shall perform their duties in the same manner, be subject to the same penalties and have the same privileges as challengers designated by a political party, except that such challengers of an organization of citizens may challenge persons who offer to vote for candidates of either political party.

Section 4. Section 119.230 of the Kentucky Revised Statutes is amended to read as follows:

(1) The provisions of KRS 118.350 to 118.370 shall apply to primary elections, except that the tabulation of votes shall be on a separate sheet for each political party. Each candidate or group of candidates, and each organization of citizens that has complied with the provisions of KRS 118.240 relative to such organizations, may designate representatives to meet with the county board of election commissioners, with all of the rights and privileges provided in KRS 118.380.

(2) The county board of election commissioners shall issue certificates of nomination where the successful candidates were voted for by a county or by a district less than one county, and shall file the original certificates as provided in KRS 118.120 and 118.130, and send duplicate copies of the certificates to the successful candidates. If the board finds that two or more candidates have received the highest and equal number of votes for nomination for the same office, the board shall determine by lot which of the candidates is nominated. In the case of candidates voted for by the state at large or by a district greater than one county, the votes shall be certified as provided in subsection (2) of KRS 118.400.

(3) The State Board of Election Commissioners shall issue certificates of nomination where the successful candidates were voted for by the state at large or by a district greater than one county. On the fourteenth day after the primary election, the State Board of Election Commissioners shall meet at the capital and canvass the returns of the primary that have been certified and filed with the Secretary of State. After the board has completed the tabulation and canvass of returns it shall immediately certify to the same, issue certificates of nomination to the successful candidates, file the original certificates as provided in KRS 118.120 and 118.130, and send copies of the certificates to the successful candidates.

Amend printed copy of **HB** 87 on page 1, section 2, line 11, after "county" and before word "having" insert the following "of the first or second class".

Amend printed copy of **HB** 87 on page 4, section 2, line 10, after the word "citizens" and before the word "which" insert "in a county containing a city of the first or second class".

Amend printed copy of **HB** 87 on page 5, section 3(2), line 33, after the word "citizens" and before the word "which" insert the following language "In a county containing a city of the first or second class."

The Committee on Suffrage, Elections and Constitutional Amendments reported **HB** 38 with the expression of opinion that the same should pass with Committee substitute attached thereto. Read at length for the first time and ordered placed in the Calendar.

COMMITTEE SUBSTITUTE ON **HB** 38, AN ACT relating to absent voting.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act:

(1) "Mail" means the delivery to a mail carrier or the deposit in a letter box or post office of a letter, with postage prepaid.

(2) "Abroad" means outside of the continental limits of the United States of America.

Section 2. Section 126.150 of the Kentucky Revised Statutes is amended to read as follows:

Any absent voter may, at any time not less than fifteen days before an election, make an application in writing and by mail, on the form prescribed in KRS 126.160 or on form 76 issued under 5 USCA 2184, to the clerk of the county court of the county of his residence, for an absent voter's ballot.

Section 3. (1) On the 14th day prior to the election and beginning at 2:00 p.m., the County Board of Election Commissioners and the County Clerk, together with interested candidates or their representatives, and representatives of news media, shall examine all applications for an absent voter's ballot for the purpose of determining the voter's right to make application, as well as the validity of the form and method of submitting the application itself. The County Clerk shall have the registration records at the meeting. The County Clerk shall read the name of each applicant aloud, and the applicant and his application may be challenged by anyone present. The Board shall determine whether or not each application shall be accepted or rejected. If the application is rejected it shall be so marked and the voter notified of this fact and the reasons therefor. No ballot shall be sent in response to a rejected application nor prior to the examination provided for in this section.

(2) The provisions of subsection (1) of this section shall not apply to applications submitted by members of the Armed Forces, their spouses and dependents stationed abroad; members of the Merchant Marine, their spouses and dependents stationed abroad; civilian employes of the United States Government, their spouse and dependents stationed abroad; and members of religious groups and welfare organizations attached to and serving in the Armed Forces, their spouses and dependents stationed abroad.

(3) The county clerk shall, however, retain the envelope or post card used by any applicant enumerated in subsection (2) of this section, for inspection and examination.

Section 4. Section 126.160 of the Kentucky Revised Statutes is amended to read as follows:

Applications for absent voter's ballots shall be signed and sworn to by the absent voter before a civil officer authorized by law to administer an oath, provided neither the officer nor his deputy is a candidate to be voted for at the election. Except as provided in Section 2 of this Act, the application shall be substantially in the following form:

"County Court Clerk of ______________ County,

______________________, Kentucky.

"I, _________________________________, state that I am a resident of the State of Kentucky and have been such for at least one year prior to the date hereof. I am a resident of _______________________, County and have been such for more than six months prior to said date and expect to be absent therefrom in the course of my business or duties at the election to be held on the __________ day of___________________, 19_______, and will not vote elsewhere at said election, and am a resident of ____________ precinct of said county (or______ Ward of the city of____________, county of ____________), and have been such for at least sixty days prior to said date; that I reside at ______________________________, (house number and street address, if in city, or county road and nearest neighbor, if in county) that I will be at least eighteen years of age by the day of the next election, and that I am a duly qualified voter of said precinct (or said ward), and I am affiliated with the ____________ political party; I request that an offical ballot be mailed to me at the following address:

____

(Name and address)

____

(Rank and Unit if member of Armed Forces)

____

(Department of United States Government if an employe
or the wife of an employe stationed abroad)

____

(Voter must sign here, and oath must be administered
and attested).

"Subscribed and sworn to before me this ______________ day of ______________, 19_____.

____

(Name and official Title)"

Section 5. Section 126.170 of the Kentucky Revised Statutes is amended to read as follows:

(1) Upon receipt of any application for an absent voter's ballot, the county court clerk shall examine the registration books for the purpose of ascertaining whether or not the applicant is a registered voter as stated in the application. If the county court clerk finds that the applicant is so registered, he shall forward a ballot to the voter as provided in KRS 126.190, subject to the provisions of Section 3 of this Act. If the county clerk does not find the applicant to be so registered, and if the application does not indicate that the applicant is a member of the Armed Forces, his spouse, or dependent stationed away from his legal residence; or a member of the Merchant Marine, his spouse or dependent stationed away from his legal residence; or a civilian employe of the United States Government, his spouse or dependent stationed abroad or in the District of Columbia; or a member of a religious group or welfare organization attached to and serving in the Armed Forces, his spouse or dependent who must remain away from his legal residence, the clerk shall immediately mail a letter to the applicant, at the address stated in the application, advising him that his application cannot be honored because of the fact that he is not registered, and advising him what period of time, if any, remains in which he may register prior to such election, and the clerk shall place the application in a file entitled "Nonregistered Applicants for Absent Voters' Ballots." If the clerk thereafter, and prior to the election, receives notice from the applicant advising the clerk that the applicant has registered, the clerk shall again examine the

registration books, and if he finds that the applicant has registered he shall remove the application from the nonregistered applicants' file and forward a ballot as provided in KRS 126.190, subject to the provisions of Section 3 of this Act. Any applications not so removed from the nonregistered applicants' file shall be retained in such file until thirty days after the election, when they shall be burned by the clerk in the presence of the judge and sheriff of the county. If the application of a person found not to be registered indicates that the applicant is a member of the Armed Forces, his spouse, or dependent stationed away from his legal residence, or a member of the Merchant Marine, his spouse, or dependent stationed away from his legal residence; or civilian employe of the United States Government, his spouse or dependent stationed abroad or in the District of Columbia; or a member of a religious group or welfare organization, attached to and serving in the Armed Forces, his spouse or dependent who must remain away from his legal residence, the county court clerk, upon being satisfied that the applicant is entitled to be registered, shall cause the applicant to be registered in the registration records of the proper precinct, and shall mark upon such registration records the words "Absentee Registration." Such registration may be made at any time prior to the election for which an absent voter's ballot is applied for.

(2) Any person who has been registered under the provisions of subsection (1) of this section shall be required to reregister in person upon his first return to the county of his residence at a time when the books are open.

(3) The oath required of a member of the Armed forces shall be taken as specified in KRS 384.080 and the oath required of a civilian employe of the United States Government or his wife stationed abroad may be taken by the persons mentioned in KRS 382.150. The seal of such officer must be attached to all oaths required under this section.

Section 6. Section 126.210 of the Kentucky Revised Statutes is amended to read as follows:

The Secretary of State shall cause to be prepared and printed an appropriate number of inner envelopes for absent voter's ballots, for all counties. Each such envelope shall be gummed, ready for sealing. Upon one side of such envelope shall be printed, in substantially the following form:

OFFICIAL ABSENT VOTER'S BALLOT

Name of Voter --

Residence (street and number, if any) ---------------------------

----

County of --

City or town of --

On the other side of such envelope shall be printed the following oath:

"I do hereby swear (or affirm) that I am a citizen of the United States and am now of the age of at least eighteen years or will be on the day of the election to be held on the ______ day of ____________, 19_____, (here insert the day of the election,) that I will have been a resident of the State of Kentucky for at least one year next preceding such election, and a resident of the County of ______________, for more than six months preceding such election, and a resident of ______________, precinct of said county (or_____ ward of the city of ____________ County of ____________) at least sixty days preceding such election; that I am a duly qualified voter of said precinct or said ward, and I am affiliated with the ____________ political party; that in the course of my business or duties I expect to be absent from said precinct or ward at the time of said election.

____
(Voter must sign here, and oath
must be administered and
attested.)

"Subscribed and sworn to before me this ________________ day of ________________________,

____
(Official Title)"

Such oath shall constitute prima facie evidence that the voter is qualified to vote, unless the statements contained in such oath indicate the contrary.

Section 7. Section 126.230 of the Kentucky Revised Statutes is amended to read as follows:

When the absent voter receives the ballot and the two envelopes, he shall go before some civil officer authorized by law to administer an oath, provided neither the officer nor his deputy is a candidate to be voted for at the election, and before him make and subscribe to the affidavit on the face of the envelope and shall, in the presence of such officer and no one else, mark the ballot so as to indicate the way he desires to vote, but in such manner as to prevent the officer from knowing how the ballot is marked or how he has voted. He shall then, and while in the presence of the officer, fold the ballot in such way as to conceal the markings made thereon by him, and after the ballot has been so folded, he shall enclose it in the inner envelope; then seal said envelope and then enclose it in the outer envelope; then seal and write his name across the face of the outer envelope, and at once mail it to the county court clerk.

Calendar

HB 401, HB 241, HB 209, HR 15, HB 312, HB 356, HB 414, HR 17, HR 16, SB 200, HB 415, HB 416, HB 290, HB 371, HB 236, HB 156,

HB 197, SB 40, HB 220, HB 231, HB 249, HB 271, HB 272, HB 273, HB 300, HB 349, HB 359, HB 360, SB 133, SB 75, HB 365 were taken from the Calendar and ordered read at length for the second time. Ordered placed in Orders of the Day.

Orders of the Day

HB 44 was taken from Orders of the Day. Representative Fields moved that it be read for the third time by title only and placed on passage. Agreed.

HB 44 read for the third time by title only.

On roll call, the vote was: Yeas, 36—Buchanan, Bush, Clore, Coffey, Combs, E. E. Cook, Bill Cornett, Cottengim, W. F. Davis, Duff, Everett, Farmer, Fields, Finney, Fitzpatrick, Ford, Greene, Gullette, Hahn, Hale, Hall, Hart, Hopkins, Mackey, Newberry, Peace, Qualls, Rausch, Raybourne, Rayburn, Reed, Smith, Stith, Tanner, Tinsley, S. R. Thomas; Nays, 32—Arnold, Bach, Bartley, Breckinridge, Brown, Burke, Burress, M. W. Cook, P. W. Cornett, Crecelius, Dempsey, Haley, Henry, Hislope, Huddleston, Isler, Lyon, McCallum, McGuire, McReynolds, Moore, Ockerman, Parrish, Ratcliffe, Ray, Render, C. R. Reynolds, Richards, Searcy, Wells, Willen, Williams.

HB 44 was defeated.

Representative Williams moved that the vote by which **HB 44** was defeated be reconsidered and said motion laid on the table. Agreed.

HB 8 taken from Orders of the Day. Representative Buchanan moved that action be deferred, but that it retain its position in Orders of the Day. Agreed.

HB 120 taken from Orders of the Day. Representative Paul Davis moved that action be deferred, but that it retain its position in Orders of the Day. Agreed.

HR 36 taken from Orders of the Day. Representative Buchanan moved that it be read by title only and placed on passage. Agreed.

On roll call, the vote was: Yeas, 81—Anderson, Arnold, Bach, Bartley, Barton, Baumgardner, Breckinridge, Brown, Buchanan, Buckner, Burke, Burress, Bush, Chaudoin, Clore, Coffey, Combs, E. E. Cook, M. W. Cook, Bill Cornett, P. W. Cornett, Crecelius, P. F. Davis, W. F. Davis, Dempsey, Duff, Everett, Finney, Fitzpatrick, Ford, Gay, Greene, Gullette, Hahn, Hale, Haley, Hall, Hart, Henry, Hinkle, Hislope, Hopkins, Huddleston, Isler, H. N. Johnson, Kingsbury, Kubale, Lovelace, Lowman, Lyon, McCallum, McGuire, McReynolds, Mackey, Ockerman, Parrish, Peace, Qualls, Ratcliffe, Rausch, Ray, Raybourne, Rayburn, Reed, Render, C. R. Reynolds, R. Reynolds, Richards, Searcy, Smith, Steiger, Tinsley, S. R. Thomas, Wathen, Wells, Whitehead, Willen, Williams, Wilson, Wirsch, Young; Nays, 0.

HR 36 adopted.

HB 82 taken from Orders of the Day. Representative Henry moved that it be read for the third time and placed on passage. Agreed.

Representative Henry moved to amend **HB 82** as follows:

Amend printed copy of **HB 82** on page 1, line 13 by changing the word "or" to "of".

Adopted.

HB 82 as amended read for the third time.

On roll call, the vote was: Yeas 7—Bach, Buchanan, Combs, Fitzpatrick, Henry, Steiger, Tanner; Nays, 18—Clore, E. E. Cook, W. F. Davis, Farmer, Ford, Hislope, Huddleston, Isler, Kincer, Raybourne, Render, Searcy, Smith, S. R. Thomas, Wells, Whitehead, Willen, and Wilson.

HB 82 was defeated.

HB 96 taken from Orders of the Day. Representative Everett moved that it be read for the third time and placed on passage. Agreed.

HB 96 read at length for the third time.

On roll call, the vote was: Yeas, 49—Bach, Billington, Breckinridge, Buchanan, Buckner, Burke, Bush, Chaudoin, Clore, Combs, P. F. Davis, W. F. Davis, Duff, Everett, Fields, Finney, Fitzpatrick, Gullette, Hahn, Hale, Haley, Huddleston, Isler, Kingsbury, Kubale, Lowman, Lyon, McCallum, McGuire, McReynolds, Mackey, Moore, Newberry, Parrish, Qualls, Ratcliffe, Rausch, Raybourne, Rayburn, Render, C. R. Reynolds, Richards, Searcy, Stith, Tanner, Tinsley, S. R. Thomas, Wilson, Young; Nays, 19—Arnold, Barton, Baumgardner, Burress, M. W. Cook, Bill Cornett, P. W. Cornett, Crecelius, Dempsey, Gay, Hall, Hislope, Ockerman, Smith, Sowards, Steiger, Wathen, Wells, Williams.

HB 96 was passed and the title agreed to.

Introductions

The following Bills and Resolutions were introduced:

HB 494, by Representative McCallum, AN ACT relating to the consolidation of cities.

HB 495, by Representative Cottengim, AN ACT relating to rates and services of public utilities.

HB 496, by Representative Cottengim, AN ACT relating to public utility rates.

HB 497, by Representative Hinkle, AN ACT relating to school taxes.

HB 498, by Representatives Sowards, Hislope, Buchanan, AN ACT relating to indigent tuberculosis patients.

HB 499, by Representative Bach, AN ACT relating to mining regulations.

HB 500, by Representative Kubale, AN ACT relating to the Kentucky Agricultural Experiment Station.

HB 501, by Representatives Wirsch, Cottengim, AN ACT relating to city government.

HB 502, by Representatives Cottengim, Breckinridge, AN ACT relating to boilers and pressure vessels.

HB 503, by Representative Bach, AN ACT relating to forest fire protection.

HB 504, by Representative Newberry, AN ACT relating to traffic signals.

HB 505, by Representatives S. R. Thomas, Haley, Bach, Parrish, Kincer, E. Thomas, AN ACT relating to hunting and shooting upon the lands of another.

HB 506, by Representative Ed Thomas, AN ACT relating to gambling.

HB 507, by Representative Kingsbury, AN ACT relating to gifts of securities and money to minors and making uniform the law with reference thereto.

HB 508, by Representative Sowards, AN ACT relating to the Board of Claims fixing its jurisdiction and amending KRS 44.070.

HB 509, by Representative Kubale, AN ACT relating to pharmacy.

HB 510, by Representatives McGuire, Lowman, Mackey, Wells, Billington, S. R. Thomas, Hahn, Farmer, P. F. Davis, Barton, Rausch, E. E. Cook, Kingsbury, Walsh, Hinkle, Stith, Henry, Tinsley, Young, Chaudoin, Bill Cornett, Hopkins, Arnold, Smith, Ray, Hale, Clore, Newberry, Greene, Reed, McReynolds, Burke, Huddleston, Moore, Wilson, Wathen, Kubale, R. Reynolds, Everett, Tanner, Anderson, Richards, Ed Thomas, McCallum, Williams, Steiger, Baumgardner, Hall, Bach, Ford, Fields, Haley, Searcy, Hart, Ockerman, Lyon, Fitzpatrick, AN ACT relating to the erection of a statue in memory of Alben William Barkley, and making an appropriation therefor.

HR 82, by Representatives Sowards, Smith, A JOINT RESOLUTION authorizing civil action against the Commonwealth of Kentucky, the Department of Public Safety and Division of Kentucky State Police, or any or all of them, in the interest of Edgar Osborne.

HR 83, by Representative M. W. Cook, A JOINT RESOLUTION authorizing Mrs. Jewel B. Dye of Louisville, Kentucky, to sue the Commonwealth of Kentucky and the Department of Health, or either.

Reference of Bills and Resolutions

Speaker Weintraub announced the referral of the following Bills and Resolutions:

Agriculture and Conservation: **HB 480, HB 503, HB 505.**

Appropriations and Revenues: **HB 498, HB 500, HR 76.**

Banking and Insurance: **HB 507.**

Education: **HB 497, SB 168.**

Health and Welfare: **HB 485, HB 489, HR 78, SB 97, SB 99, SB 101, SB 103, SB 122, SB 138, SB 167, SB 176.**

Judiciary, Executive and Legislative Affairs: **HB 482, HB 491, HB 493, SB 51, SB 144, SB 158.**

Labor and Industry: **HB 487, HB 495, HB 496, HB 506, SB 154.**

Municipal and County Government: **HB 483, HB 484, HB 488, HB 494, HB 501.**

Public Utilties: **HR 79.**

Suffrage, Elections and Constitutional Amendments: **HB 481, HB 486, SB 45.**

Transportation and Highways: **HB 504.**

Ways and Means: **HB 490, HB 492, HB 499, HB 502.**

Report on Enrolled Bills

The Committee on Enrollment reported that **HB 16, HB 21, HB 25, HB 205** had been examined and found correctly enrolled. Said bills read at length, compared, and signed in open session by the Speaker. Ordered delivered to the Senate.

Said bills delivered, signed by the President of the Senate. Ordered delivered to the Governor.

Representative Everett moved that the House adjourn until 1:00 p.m., February 27. Agreed.

THURSDAY, FEBRUARY 27, 1958

FORTY-FIRST LEGISLATIVE DAY

The House was called to order by the Speaker, Mr. Weintraub.

Invocation by the Reverend Samuel Elmore Blackard, of the Church of the Ascension (Episcopal), of Frankfort.

The roll call showed all members present except Baumgardner, Howard, Huston Johnson, Miller, Russell, Reynolds.

Representative Chaudoin moved that absent members be granted leaves of absence. Agreed.

Representative Isler moved that reading of the Journal for February 26 be dispensed with and the same approved. Agreed.

Motions

Representative Ockerman moved that **SB 19** be recommitted to the Committee on Municipal and County Government for further study. Agreed.

Representative Ockerman moved that **HB 64** be recommitted to the Committee on Municipal and County Government for further study. Agreed.

Representative Buchanan moved that **HB 8** be recommitted to the Committee on Public Utilities for further study. Agreed.

Introductions

Representative Peace moved the adoption of **HR 84**. Adopted.

HR 84, by Representatives Peace, Brown, Buchanan, Buckner, Burress, Coffey, Paul W. Cornett, Dempsey, Duff, Gay, Hislope, Hodges, H. Nick Johnson, McGuire, Qualls, Rayburn, Render, Carl R. Reynolds, Sowards, Whitehead, Willen, Wirsch, A CONCURRENT RESOLUTION memorializing Congress to expedite plans for a dam on Cumberland River at Bunche's Creek in Whitley County.

WHEREAS, Whitley County in Kentucky is in poor economic condition, as shown by the fact that about one third of the population is now receiving welfare or public aid of some kind;

WHEREAS, nine of every ten of its high school and college graduates must leave for employment elsewhere, and four out of every five of other wage earners must leave the county to earn money;

WHEREAS, more than two thirds of the county's payroll comes from tax money, federal, state and local;

WHEREAS, Whitley County alone is unable to promote any endeavor to ease the situation.

WHEREAS, a dam on Cumberland River at Bunche's Creek would do the following things:

1. Furnish all needed electric power and water for new industries.

2. Aid in flood control.

3. Call for a steam generating plant to use millions of tons of coal.

4. Attract plants to use pulp wood, of which Whitley County has millions of cords.

5. Attract food processing plants to process tons of vegetables produced annually.

6. Provide a recreational area which would attract millions of dollars annually from tourists;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the Commonwealth of Kentucky, the Senate Concurring therein:

Section 1. That the Congress of the United States is urged to act in the exercise of its broad legislative powers to provide a dam and necessary accessories to accomplish the desired purpose, and to cause such a program to be put into effect at the earliest possible time.

Section 2. That the Clerk of the Senate be and is hereby directed to send copies of this memorial, duly authenticated, to the President of the Senate of the United States, the Speaker of the House of Representatives of the United States, to each of the Senators and Representatives from the Commonwealth now serving in the Congress, and to the Secretary of the Interior.

Representative Carl Reynolds moved the adoption of **HR 85.** Adopted.

HR 85, by Representatives Whitehead, Carl R. Reynolds, Bartley, Billington, Breckinridge, Buchanan, Burke, Burress, Chaudoin, Coffey, Combs, Marlow Webster Cook, Paul W. Cornett, Paul Ford Davis, Walter F. Davis, Dempsey, Duff, Gay, Hahn, Hislope, Hodges, Lowman, Moore, Parrish, Peace, Rayburn, Render, Steiger, Walsh, Wathen, Willen, Williams, Wirsch, A CONCURRENT RESOLUTION requesting the Congress to cause the Corps of Engineers of the United States to make a survey of the Rockcastle River area.

WHEREAS, the counties of Rockcastle, Laurel, Jackson and Madison among others lying in the drainage area of the Rockcastle River and its tributaries have from time immemorial been scourged and devastated by floods;

WHEREAS, such floods have not only resulted in loss of life but have occasioned irreparable economic damage to the area; and

WHEREAS, it appears that repeated and frequent flooding in the area accompanied inevitably by further loss of life and property can only be avoided or the such losses mitigated by a coordinated comprehensive flood control program;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the Commonwealth of Kentucky the Senate concurring therein:

Section 1. That the Congress of the United States is urged to take such action as is necessary to insure a flood control survey by the United States Corps of Engineers on the Rockcastle River and its tributaries.

Section 2. That copies of this Resolution be sent by the Clerk of the House of Representatives of the Commonwealth of Kentucky, to each member of the Congress representing the Commonwealth of Kentucky and to the Jackson County Improvement Association, Jackson, Kentucky.

Recess

Representative Kubale moved for a fifteen-minute recess for purpose of holding committee meetings. Agreed. At the appointed hour the Speaker resumed the Chair and called the House to order.

Reconsideration

Representative McGuire moved that the vote by which **SB 19** was recommitted to committee be reconsidered. On roll call, the vote was: Yeas, 56—Bach, Barton, Billington, Buchanan, Buckner, Burress, Bush, Chaudoin, Combs, E. E. Cook, Bill Cornett, P. W. Cornett, Cottengim, P. F. Davis, W. F. Davis, Dempsey, Duff, Finney, Fitzpatrick, Ford, Gay, Greene, Hale, Hall, Hart, Hodges, Hopkins, Huddleston, Isler, H. N. Johnson, Kincer, Kingsbury, Lovelace, Lowman, Lyon, McCallum, McGuire, McReynolds, Mackey, Newberry, Peace, Ratcliffe, Rayburn, Reed, Render, Smith, Sowards, Stith, Tanner, Tinsley, Ed Thomas, S. R. Thomas, Walsh, Wilson, Wirsch, Young. Nays, 13—Arnold, Breckinridge, Burke, Casey, M. W. Cook, Crecelius, Farmer, Haley, Ockerman, Ray, Searcy, Williams, Wells.

Motion to reconsider adopted.

Representative Ockerman moved that **SB 19** be recommitted for further study. Motion rejected.

Representative McGuire moved that the vote by which **HB 64** was recommitted be reconsidered. Adopted.

Representative Ockerman moved to recommit **HB 64.** Rejected.

Motions

Representative Breckinridge moved to amend the House Rule No. 35.

The Speaker questioned the constitutionality of Mr. Breckinridge's motion.

Mr. Breckinridge withdrew his motion.

Communications

The Clerk of the House read a letter from Dr. H. L. McPheeters, Commissioner, Department of Mental Health, inviting members of the General Assembly to visit Eastern State Hospital on March 6.

Representative Cottengim moved that the House accept the invitation. Adopted.

Report of Committees

The Committee on Banking and Insurance reported **HB 115, HB 181, HB 507** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 115, AN ACT relating to Insurance and amending KRS 304.522.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Each examination provided for in KRS 304.521 shall be as the commissioner prescribes and shall be of sufficient scope reasonably to test the applicant's knowledge relative to the kind or kinds of insurance or subdivisions thereof to be dealt with under the license applied for, and of the duties and responsibilities of, the laws of this state applicable to, such a licensee.

Section 2. The commissioner shall prepare and make available to applicants a printed manual covering the subject matter to be covered in any examination for agent's license, and he shall further prepare and make available to applicants copies of the Kentucky insurance laws.

Section 3. The fees and charges collected by the commissioner under subsection (10) of KRS 304.460 shall be made available to the commissioner for the purpose of defraying the cost of compiling, printing and publishing study manuals and copies of the Kentucky insurance laws.

Section 4. The commissioner shall from time to time by rule and regulation make reasonable groupings of the kind or kinds of insurance or subdivisions thereof that may be covered by examinations for particular licenses.

HB 181, AN ACT relating to private corporations.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 271.395 of the Kentucky Revised Statutes is amended to read as follows:

(1) Every domestic corporation shall keep at its registered office a share register or duplicate giving the names of the shareholders in

alphabetical order, and showing their respective addresses, the number and class of shares held by each, and the dates on which they acquired the same.

(2) Every domestic corporation shall keep appropriate and complete books of account, and records of the proceedings of shareholders and directors.

A corporation may open a share register in any state of the United States. It may employ an agent to keep such register and to record transfers of shares therein, in this or any other state, or both, and the acts of such agent shall be binding on the corporation. The duties and liabilities of such agent shall be such as may be agreed to by the corporation.

(4) Every shareholder shall have a right to examine, in person or by agent or attorney, at any reasonable time or times, the share register or duplicate, and the books of account and records of the proceedings of the shareholders and directors, and to make extracts therefrom.

HB 507, AN ACT relating to gifts of securities and money to minors and making uniform the law with reference thereto.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act, unless the context otherwise requires:

(1) "Adult" is a person who has attained the age of twenty-one years;

(2) "Bank" includes every corporation authorized by law to do a banking business; (KRS 287.010 (a)):

(3) "Broker" is a person lawfully engaged in the business of effecting transactions in securities for the account of others. The term includes a bank which effects such transactions. The term also includes a person lawfully engaged in buying and selling securities for his own account, through a broker or otherwise, as a part of a regular business.

(4) "Court" means the chancery division of the circuit court;

(5) "The custodial property" includes:

(a) all securities and money under the supervision of the same custodian for the same minor as a consequence of a gift or gifts made to the minor in a manner prescribed in this Act;

(b) the income from the custodial property; and

(c) the proceeds, immediate and remote, from the sale, exchange, conversion, investment, reinvestment or other disposition of such securities, money and income;

(6) "Custodian" is a person so designated in a manner prescribed in this Act;

(7) "Guardian" of a minor includes the general guardian, guardian, tutor or curator, of his property, estate or person;

(8) "Issuer" is a person who places or authorizes the placing of his name on a security, other than as a transfer agent, to evidence that it represents a share, participation or other interest in his property or in an enterprise or to evidence his duty or undertake to perform an obligation evidenced by the security, or who becomes responsible for or in place of any such person;

(9) "Legal representative" of a person is his executor or the administrator, general guardian, guardian, committee, conservator, tutor or curator of his property or estate;

(10) "Member" of a "minor's family" means any of the minor's parents, grandparents, brothers, sisters, uncles and aunts, whether of the whole blood or the half blood, or by or through legal adoption;

(11) "Minor" is a person who has not attained the age of twenty-one years;

(12) "Security" includes any note, stock, treasury stock, bond, debenture, evidence of indebtedness, certificate of interest or participation in an oil gas or mining title or lease or in payments out of production under such a title or lease, collateral trust certificate, transferable share, voting trust certificate or, in general, any interest or instrument commonly known as a security, or any certificate of interest or participation in, any temporary or interim certificate, receipt or certificate of deposit for, or any warrant or right to subscribe to or purchase, any of the foregoing. The term does not include a security of which the donor is the issuer. A security is in "registered form" when it specifies a person entitled to it or to the rights it evidences and its transfer may be registered upon books maintained for that purpose by or on behalf of the issuer;

(13) "Transfer agent" is a person who acts as authenticating trustee, transfer agent, registrar or other agent for an issuer in the registration of transfers of its securities or in the issue of new securities or in the cancellation of surrendered securities; and

(14) "Trust company" includes every corporation authorized to do a trust business.

Section 2. (1) An adult person may, during his lifetime, make a gift of a security or money to a person who is a minor on the date of the gift:

(a) if the subject of the gift is a security in registered form, by registering it in the name of the donor, another adult person, an adult member of the minor's family, a guardian of the minor, or a trust company, followed, in substance, by the words: "as custodian for____ (name of minor)______ under the Uniform Gifts to Minors Act";

(b) if the subject of the gift is a security not in registered form by delivering it to an adult person other than the donor, an adult member, other than the donor, of the minor's family, a guardian of the minor, or a trust company, accompanied by a statement of gift in the following form, in substance, signed by the donor and the person designated as custodian;

"GIFT UNDER THE UNIFORM GIFTS TO MINORS ACT

I, (name of donor)------, hereby deliver to ------(name of custodian)------, as custodian for ------(name of minor)-------- under the Uniform Gifts to Minors Act, the following security (ies): (insert an appropriate description of the security or securities delivered sufficient to identify it or them)

------(signature of donor)------

------(name of custodian)------ hereby acknowledges receipt of the above described security (ies) as custodian for the above minor under the Uniform Gifts to Minors Act. Dated:------------------------

------(Signature of custodian)------";

(c) if the subject of the gift is money, by paying or delivering it to a broker or a bank for credit to an account in the name of the donor, another adult person, an adult member of the minor's family, a guardian of the minor, or a bank with trust powers, followed, in substance, by the words: "as custodian for ---------- (name of Minor) ------------ under the Uniform Gifts to Minor's Act";

(2) Any gift made in a manner prescribed in subsection (1) may be made to only one minor and only one person may be the custodian;

(3) A donor who makes a gift to a minor in a manner prescribed in subsection (1) shall promptly do all things within his power to put the subject of the gift in the possession and control of the custodian, but neither of the donor's failure to comply with this subsection, nor his designation of an ineligible person as custodian, nor renunciation by the person designated as custodian affects the consummation of the gift.

Section 3. (1) A gift made in a manner prescribed in this Act is irrevocable and conveys to the minor indefeasibly vested legal title to the security or money given, but no guardian of the minor has any right, power, duty or authority with respect to the custodial property except as provided in this Act;

(2) By making a gift in a manner prescribed in this Act, the donor incorporates in his gift all the provisions of this Act and grants to the custodian, and to any issuer, transfer agent, bank, broker or third person dealing with a person designated as custodian, the respective powers, rights and immunities provided in this Act.

Section 4. (1) The custodian shall collect, hold, manage, invest and reinvest the custodial property.

(2) The custodian shall pay over to the minor for expenditure by him, or expend for the minor's benefit, so much of or all the custodial property as the custodian deems advisable for the support,

maintenance, education and benefit of the minor in the manner, at the time or times, and to the extent that the custodian in his discretion deems suitable and proper, with or without court order, with or without regard to the duty of himself or of any other person to support the minor or his ability to do so, and with or without regard to any other income or property of the minor which may be applicable or available for any such purpose.

(3) The court, on the petition of a parent or guardian of the minor or of the minor, if he has attained the age of fourteen years, may order the custodian to pay over to the minor for expenditure by him or to expend so much of or all the custodial property as is necessary for the minor's support, maintenance or education.

(4) The extent that the custodial property is not so expended, the custodian shall deliver or pay it over to the minor on his attaining the age of twenty-one years or, if the minor dies before attaining the age of twenty-one, he shall thereupon deliver or pay it over to the estate of the minor.

(5) The custodian, notwithstanding statutes restricting investments by fiduciaries, shall invest and reinvest the custodial property as would a prudent man of discretion and intelligence who is seeking a reasonable income and the preservation of his capital, except that he may, in his discretion and without liability to the minor or his estate, retain a security given to the minor in a manner prescribed in this Act.

(6) The custodian may sell, exchange, convert or otherwise dispose of custodial property in the manner, at the time or times, for the price or prices and upon the terms he deems advisable. He may vote in person or by general or limited proxy a security which is custodial property. He may consent, directly or through a committee or other agent, to the reorganization, consolidation, merger, dissolution or liquidation of an issuer, a security which is custodial property, and to the sale, lease, pledge or mortgage of any property by or to such an issuer, and to any other action by such an issuer. He may execute and deliver any and all instruments in writing which he deems advisable to carry out any of his powers as custodian.

(7) The custodian shall register each security which is custodial property and in registered form in the name of the custodian, followed, in substance, by the words: "as custodian for------(name of minor)------ under the Uniform Gifts to Minors Act." The custodian shall hold all money which is custodial property in an account with a broker or in a bank in the name of the custodian, followed, in substance, by the words: "as custodian for------(name of minor)------ under the Uniform Gifts to Minors Act." The custodian shall keep all other custodial property separate and distinct from his own property in a manner to identify it clearly as custodial property.

(8) The custodian shall keep records of all transactions with

respect to the custodial property and make them available for inspection at reasonable intervals by a parent or legal representative of the minor or by the minor, if he has attained the age of fourteen years.

(9) A custodian has and holds as powers in trust with respect to the custodial property, in addition to the rights and powers provided in this Act, all the rights and powers which a guardian has with respect to property not held as custodial property.

Section 5. (1) A custodian is entitled to reimbursement from the custodial property for his reasonable expenses incurred in the performance of his duties.

(2) A custodian may act without compensation for his services.

(3) Unless he is a donor, a custodian may receive from the custodial property reasonable compensation for his services as determined by KRS 386.180.

(4) Except as otherwise provided in this Act, a custodian shall not be required to give a bond for the performance of his duties.

(5) A custodian not compensated for his services is not liable for losses to the custodial property unless they result from his bad faith, intentional wrongdoing or gross negligence or from his failure to maintain the standard of prudence in investing the custodial property provided in this Act.

Section 6. No issuer, transfer agent, bank, broker or other person acting on the instructions of or otherwise dealing with any person purporting to act as a donor or in the capacity of a custodian is responsible for determining whether the person designated by the purported donor or purporting to act as a custodian has been duly designated or whether any purchase, sale or transfer to or by or any other act of any person purporting to act in the capacity of custodian is in accordance with or authorized by this Act, or is obliged to inquire into the validity or propriety under this Act of any instrument or instructions executed or given by a person purporting to act as a donor or in the capacity of a custodian, or is bound to see to the application by any person purporting to act in the capacity of a custodian of any money or other property paid or delivered to him.

Section 7. (1) Only an adult member of the minor's family, a guardian of the minor or a trust company is eligible to become successor custodian. A successor custodian has all the rights, powers, duties and immunities of a custodian designated in a manner prescribed by this Act.

(2) A custodian, other than the donor, may resign and designate his successor by:

(a) executing an instrument of resignation designating the successor custodian; and

(b) causing each security which is custodial property and in registered form to be registered in the name of the successor custodian followed, in substance, by the words: "as custodian for------(name of minor)------under the Uniform Gifts to Minors Act"; and

(c) delivering to the successor custodian the instrument of resignation, each security registered in the name of the successor custodian and all other custodial property, together with any additional instruments required for the transfer thereof.

(3) A custodian, whether or not a donor, may petition the court for permission to resign and for the designation of a successor custodian.

(4) If the person designated as custodian is not eligible, renounces or dies before the minor attains the age of twenty-one years, the guardian of the minor shall be successor custodian. If the minor has no guardian, a donor, his legal representative, the legal representative of the custodian, an adult member of the minor's family, or the minor, if he has attained the age of fourteen years, may petition the court for the designation of a successor custodian.

(5) A donor, the legal representative of a donor, an adult member of the minor's family, a guardian of the minor or the minor, if he has attained the age of fourteen years, may petition the court that, for cause shown in the petition, the custodian be removed and a successor custodian be designated or, in the alternative, that the custodian be required to give bond for the performance of his duties.

(6) Upon the filing of a petition as provided in this Section, the court shall grant an order to show cause why the relief prayed for in the petition should not be granted and, in due course, grant such relief as the court finds to be in the best interests of the minor.

Section 8. (1) The minor, if he has attained the age of fourteen years, or the legal representative of the minor, an adult member of the minor's family, or a donor or his legal representative may petition the court for an accounting by the custodian or his legal representative.

(2) The court, in a proceeding under this Act or otherwise, may require or permit the custodian or his legal representative to account and, if the custodian is removed, shall so require and order delivery of all custodial property to the successor custodian and the execution of all instruments required for the transfer thereof.

Section 9. (1) This Act shall be so construed as to effectuate its general purpose to make uniform the law of those states which enact it.

(2) This Act shall not be construed as providing an exclusive method for making gifts to minors.

Section 10. This Act may be cited as the "Uniform Gifts to Minors Act."

Section 11. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

Section 12. This Act shall take effect July 1, 1958.

The Committee on Banking and Insurance reported **HB 95** and **HB 97** with the expression of opinion that the same should pass by way of Committee substitute. Read at length for the first time and ordered placed in the Calendar.

Committee Substitute for **HB 95**, AN ACT relating to insurance and amending KRS 304.512.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 304.512 of the Kentucky Revised Statutes is amended to read as follows:

Salaried traveling representatives of mutual or reciprocal insurers shall not be deemed to be agents of such insurers for the purposes of KRS 304.510 to 304.574, nor be required to be licensed, but their names and addresses shall be registered with the commissioner of insurance by such insurers.

Executive officers of domestic mutual insurers whose compensation is entirely by salary shall not be deemed agents of such insurer for the purposes of KRS 304.510 to 304.574 not required to be licensed, although authorized by the insurer to sign or countersign insurance contracts and underwriting commitments in its behalf.

Committee Substitute for **HB 97**, AN ACT relating to insurance and amending KRS 304.103.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 304.103 of the Kentucky Revised Statutes is amended to read as follows:

The provisions of KRS 304.097, 304.099 and 304.101 shall not apply to title insurers, to reinsurance contracts between insurers, to life or disability insurances, or to insurance policies:

(1) Lawfully issued as a surplus line under KRS 304.580 to 304.598.

(2) Covering only the rolling stock, vessels, or aircraft of any common carrier in interstate or foreign commerce, or any vehicle principally garaged and used in another state.

(3) Covering only any property in course of transportation interstate or in foreign trade, or any liability or risk incident thereto.

(4) Covering only ocean marine risks and other risks exempted under this section.

(5) Of mutual or reciprocal insurers written through salaried traveling representatives whose names and addresses have been registered with the commissioner of insurance.

(6) Issued by domestic insurers which do not customarily permit their agents to countersign policies, if such policies are countersigned by an executive officer or other employe of the insurer whose compensated by salary.

The Committee on Transportation and Highways reported **HB 212** with the expression of opinion that the same should pass with committee amendment. Read at length for the first time and ordered placed in the Calendar.

HB 212, AN ACT relating to littering of highways.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 433.750 of the Kentucky Revised Statutes is amended to read as follows:

Any person who picks, pulls, digs, tears up, cuts, breaks, burns or otherwise damages any tree, shrub, flower, vine, bush or turf on the right-of-way of any state highway or county road or upon any land set aside, dedicated or maintained by this state as a public park or as a refuge or sanctuary for wild animals, birds or fish, or deposits, throws or leaves any trash, debris, or litter upon any such public highway or public land, without having first obtained the permission in writing of the engineer having charge of the maintenance of the highway, or the superintendent or custodian of the park, refuge or sanctuary shall be fined not less than ten dollars nor more than one hundred dollars.

Amend printed copy of **HB 212** on page 1, line 9 after the word "debris," insert the words: "Animals live or dead."

The Committee on Transportation and Highways reported **HB 397, HB 417, HB 426, HB 427** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 397, AN ACT relating to maximum speed on limited access highways.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) Where no condition exists that requires the operator of a vehicle upon a limited access four-lane highway to drive at a reduced speed, the operator may drive the vehicle at a speed not in excess of seventy-five miles per hour. The operator of a vehicle shall first exercise reasonable and prudent care, giving due regard for the

traffic and for the condition and use of the highway before increasing his speed to seventy-five miles per hour.

(2) The provisions of this Act shall apply only to the speed limit on a limited access four-lane highway and it shall not be construed as repealing the existing speed limits of this Commonwealth.

HB 417, AN ACT relating to school bus drivers.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

No person shall drive or operate a school bus who has not passed a physical examination. The examination shall include general physical fitness, color perception, general eyesight and hearing. This examination shall be conducted by the Division of State Police in the county where the driver operates, who shall certify the results of the examination to the school board employing or authorizing such driver. This examination shall be given annually, before the opening of the school term, and shall be in effect for one year.

HB 426, AN ACT relating to the operation of school busses.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 189.375 of the Kentucky Revised Statutes is amended to read as follows:

Section 1. No school bus shall be licensed or operated for the transportation of school children unless it has a folding sign on the driver's side thereof, with letters at least six inches in height and displaying the word "Stop" on both sides. Upon stopping the school bus the driver shall open out the sign so that it will be plainly visible to traffic approaching from both directions. No driver shall stop a school bus for loading or unloading purposes in a no passing area, such as a hill or curve, which does not afford reasonable visibility to approaching motor vehicles from both directions.

Section 2. Any person who violates any provision of this Act shall be fined not less than ten nor more than one hundred dollars.

HB 427, AN ACT relating to motor vehicle operation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. No person shall engage upon any street or highway in motor vehicle racing, drag racing, or any other form of competition involving motor vehicles.

Section 2. Any person who violates this Act shall be fined not less than fifty dollars nor more than two hundred dollars or be imprisoned for not more than thirty days, or both.

The Committee on Agriculture and Conservation reported **HB 226, HB 328, HB 370, HB 406, HB 479, HB 480, HR 74** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 226, AN ACT relating to fishing.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 150.450 of the Kentucky Revised Statutes is repealed and re-enacted to read as follows:

(1) The Department of Fish and Wildlife Resources shall promulgate reasonable regulations governing seining for minnows and crawfish in the public waters of the Commonwealth. The regulations shall prescribe the length, width, and size of mesh of the seines used, and shall prescribe the types of minnows and crawfish that may be taken and the purposes for which they may be used.

(2) Any person may fish for minnows and crawfish in public waters pursuant to the regulations.

Section 2. A new section of Chapter 150 of the Kentucky Revised Statutes is created to read as follows:

(1) Any person may take rough fish from the navigable waters of the Commonwealth, by the use of licensed twine seine, the mesh of which is not less than two inches square, or by the use of licensed twine hoop nets without wings, subject to the following exceptions:

(a) Wings, neither longer than twenty feet, may be used in the Mississippi River, Ohio River, or any of the overflow lakes of Ballard, Hickman, Carlisle, or Fulton Counties;

(b) No person shall take any fish by seines or nets or place any seines or net in any of the waters mentioned in paragraph (a) within two hundred yards of the mouth of any tributary stream within the Commonwealth;

(c) No person shall take any fish by seines or nets or place any seine or net nearer than seven hundred yards below Kentucky Dam on the Tennessee River at Gilbertsville, unless the department prescribes lesser limits;

(d) No person shall take any fish by seines or nets or place any seine or net within two hundred yards of any lock or dam on a navigable stream, or above the last lock or dam in any navigable stream.

Section 3. A new section of Chapter 150 of the Kentucky Revised Statutes is created to read as follows:

No person shall operate or have in possession any seines or nets or snag lines unless he has procured a commercial fishing license or an Ohio River commercial fishing license and a metal tag for the use or possession of each net or seine, and has complied with the provisions of this chapter. The metal tags shall be affixed to and displayed on the seines or nets or snag lines at all times. This section shall not be construed to require wholesale dealers or manufacturers to obtain licenses and tags for seines and nets in their possession for the purpose of sale outside of the Commonwealth, or retail dealers selling legal seines or legal nets.

HB 328, AN ACT relating to dogs and livestock.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 258.095 of the Kentucky Revised Statutes is amended to read as follows:

As used in KRS 258.095 to 258.365 and subsections (3) and (4) of KRS 258.990, unless the context requires otherwise:

(1) "Department" means the Department of Agriculture, Labor and Statistics;

(2) "Commissioner" means the Commissioner of Agriculture, Labor and Statistics;

(3) "Committee" means the advisory committee created by KRS 258.115;

(4) "Dog" includes any dog six months of age or over, but does not include any other member of the canine family;

(5) "Owner" when applied to the proprietorship of a dog, includes every person having a right of property in the dog and every person who keeps or harbors the dog, or has it in his care, or permits it to remain on or about premises owned or occupied by him;

(6) "Livestock" includes horses, stallions, colts, geldings, mares, sheep, rams, lambs, bulls, bullocks, steers, heifers, cows, calves, mules, jacks, jennets, burros, goats, kids, swine and confined and domesticated hares and rabbits;

(7) "Poultry" includes all domesticated fowl and all game birds which are legally kept in captivity;

(8) "Kennel" means any establishment where dogs are kept for the purpose of breeding, sale, show or sporting purposes, and which is so constructed that dogs cannot stray therefrom;

(9) "Livestock fund" means the fund created by KRS 258.125 for the purpose of administering its provisions.

Section 2. Section 258.135 of the Kentucky Revised Statutes is amended to read as follows:

(1) A license fee of one dollar and fifty cents per dog per annum is imposed on the ownership or possession of any dog six months of age or older.

(2) The department may designate persons as licensing agents and may designate suitable places for the sale of dog licenses.

(3) A dog owner shall apply for license, on or before July 1 of each year to the county dog warden or licensing agent.

(4) For services rendered in collecting and paying over license fees, dog wardens and licensing agents shall retain the sum of twenty-five cents for each license. The balance of the license fee collected shall be paid to the department on or before the fifteenth day of each next succeeding month and shall be credited to the Livestock Fund. If the committee finds it to be in the interest of maximum enforcement of this chapter to permit certain other portions of the license fee to be retained by the respective counties for use in such enforcement, the department may allow such portions of the license fee to be so retained by the counties. The fiscal court of each county shall designate an office in the county courthouse for the sale of dog licenses.

Section 3. Section 258.165 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person who keeps or operates a kennel may, in lieu of the license for each dog required by KRS 258.135, apply to the dog warden or licensing agent for a kennel license entitling him to keep or operate a kennel. Such application shall be accompanied by a license fee of ten dollars for each license to keep ten dogs or less and fifteen dollars for each license to keep more than ten dogs. Such license fees shall be collected, paid to the Department, and credited to the Livestock Fund in the same manner as the regular dog license fees.

(2) A kennel license shall be issued on a form prescribed and supplied by the Department.

(3) Upon the issuance of a kennel license, the person who keeps or operates the kennel shall be furnished a number of tags prescribed and supplied by the Department equal to the number of dogs authorized to be kept in the kennel.

(4) The licensee of a kennel shall keep a tag attached to a collar on each dog kept by him at all times, and such tags may be transferred from one dog to another within the kennel whenever any dog is removed from the kennel.

Section 4. Section 258.185 of the Kentucky Revised Statutes is amended to read as follows:

Each dog warden or licensing agent shall keep a record of all dog and kennel licenses issued and shall report to the Department monthly his license sales on a form prescribed and supplied by the Department. The record maintained shall be a public record.

Section 5. Section 258.295 of the Kentucky Revised Statutes is repealed and re-enacted to read as follows:

(1) No payment shall be made for any injury to or destruction of livestock or poultry if payment has been made by the owner of the dog or dogs doing the injury. The fact that no such payment has been made shall be certified by the claimant.

(2) No payment shall be made for any injury to or destruction of livestock or poultry until evidence is produced by the claimant as to

whether or not such livestock or poultry is covered by insurance and if so covered, payment from the Livestock Fund shall be limited to the difference between the insurance recovered on the loss and the appraised value of the loss.

Section 6. A new section of Chapter 258 of the Kentucky Revised Statutes is created to read as follows:

The maximum payments payable for various livestock and poultry losses shall be as follows: one hundred dollars for each horse or mule; one hundred and twenty-five dollars for each head of registered cattle; one hundred dollars for each head of unregistered cattle; twenty dollars for each head of unregistered swine, sheep, or goats; forty dollars for each head of registered swine, sheep, or goats; three dollars for each full-grown goose; five dollars for each full-grown turkey; and one dollar for each head of other poultry or domesticated hare or rabbit. All appraisals under this Chapter shall be of the actual value of the livestock including poultry, killed or injured.

Section 7. Section 258.325 of the Kentucky Revised Statutes is amended to read as follows:

(1) The commissioner may order a dog destroyed or confined to its owner's premises under either of the following conditions:

(a) The appraiser's report conclusively shows that the dog has caused loss or damage to livestock or poultry;

(b) A written complaint signed by the complainant has been filed against the dog, stating that the dog has been seen pursuing or worrying livestock or poultry, and the charge has been proven by the department's investigation;

(2) An owner shall comply with the commissioner's order within three days. If the dog has been ordered confined, and is found off the premises, the warden or any peace officer shall destroy it. If the dog has been ordered turned over to the warden for destruction and the owner or keeper has failed to do so, the warden or an agent of the department may, with proper identification, enter the owner's or keeper's premises without warrant to obtain the dog.

(3) The warden or peace officer shall receive a fee of one dollar for each dog destroyed under order of the commissioner, as provided in subsection (1), to be paid out of the Livestock Fund. The department shall require proof that he has actually destroyed the dog.

(4) The destruction of a dog shall not remove the liability of the owner for damage done by the dog.

Section 8. A new section of Chapter 258 of the Kentucky Revised Statutes is created to read as follows:

Any person who owns or harbors an unlicensed dog or has a tenant on his premises who owns or harbors an unlicensed dog, shall forfeit any right to be reimbursed out of the Livestock Fund for any damage to his livestock or poultry by dogs.

Section 9. A new section of Chapter 258 of the Kentucky Revised Statutes is created to read as follows:

Payment from the Livestock Fund for any injury to or destruction of livestock or poultry may be held in abeyance until the county in which the claim originated has substantially complied with the provisions of KRS 258.095 to KRS 258.365 and any rule or regulation adopted by the Commissioner pursuant to his authority under KRS 258.105.

Section 10. A new section of Chapter 258 of the Kentucky Revised Statutes is created to read as follows:

(1) Dog wardens shall have all the powers of peace officers in the enforcement of KRS 258.095 to 258.365 and may, upon displaying a badge of identification furnished by the county, enter upon any premises for the purpose of investigation and impoundment of dogs not licensed in compliance with KRS 258.095 to 258.365.

(2) Dog wardens shall, before assuming the duties of their position, furnish a corporate surety bond of not less than one thousand dollars approved by the fiscal court.

Section 11. A new section of Chapter 258 of the Kentucky Revised Statutes is created to read as follows:

Dog wardens may order strict confinement of dogs under either of the following conditions:

(1) An appraiser's report indicates the dog may have caused loss or damage to livestock or poultry;

(2) A signed written complaint has been filed stating that the dog has been seen pursuing or worrying livestock or poultry.

HB 370, AN ACT relating to livestock and poultry disease control.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 257.210 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Board of Agriculture shall appoint the State Veterinarian.

(2) The State Veterinarian shall be a resident of this state and a licensed graduate Veterinarian.

(3) The State Veterinarian shall serve for a term of four years and until his successor has been appointed and has qualified.

(4) He shall be subject to removal from office by the board at any time for cause.

(5) The office of the State Veterinarian shall be in the Department of Agriculture at the State Capital.

Section 2. Section 257.200 of the Kentucky Revised Statutes is repealed.

HB 406, AN ACT relating to the production and sale of milk.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. (1) No producer of milk shall sell any milk or milk products which are in fair and open competition with products of the same general class produced by others, except pursuant to a fair trade contract containing the following provisions:

(a) That the producer shall sell milk at a price at least twenty percent in excess of the actual cost of production thereof. In no case, however, shall the actual price be computed at less than the average of Federal Milk Order prices for the last three years.

(b) That the purchaser of such milk or milk products will not resell such commodity except at the price stipulated by the vendor.

(c) That the purchaser require upon the sale of the milk or milk product to another that he will not, in turn, resell except at the prices stipulated by the producer.

(2) The fair trade contract shall not apply to resales in the following cases:

(a) When the product is deteriorated in quality, and notice is given to the public thereof; or

(b) By an officer acting under the orders of a court.

Section 2. (1) The fair trade contract shall provide for the following minimum resale prices without discount:

(a) Sales from milk producers to wholesalers, or processors, a minimum mark up resale price without discount for wholesalers and processors, of not less than twenty percent.

(b) Sales from wholesalers or processors to retailers, a minimum mark-up resale price without discount for retailers of not less than fifteen percent.

(c) Sales from milk producers who are also processors, directly to retailers, a minimum mark up resale price without discount for retailers of not less than thirty-five percent.

(d) Sales from retailers to consumers, a minimum markup resale price without discount for consumers of not less than ten percent.

(2) Any donations, free goods, bribery or rebates of any character whatsoever which constitutes any part of any inducement to purchase, before or subsequent to purchase, or which constitute any part of the consideration involved in any transaction covered by this Act, shall be violative of the minimum mark up resale price.

(3) All mark up resale prices must be calculated on the actual price of the commodity involved, including all taxes and transportation charges.

(4) No person shall offer to purchase or purchase or offer to sell or sell, any milk or milk products for a price less than that stipulated by the minimum mark up provisions of this Act.

Section 3. All producers, wholesalers and processors shall file with the Department of Agriculture, Labor and Statistics five copies of the fair trade contracts under which such persons offer to sell, and sell, milk and milk products, not less than ten days prior to the date that such products are offered for sale.

Section 4. All persons who have filed fair trade contracts with the department may file amendments thereto, setting out any changes in the stipulated minimum resale prices contained in the original contract. Such amendments shall be filed at least ten days before such changes in price are made.

Section 5. (1) Any person covered by this Act, who advertises, offers for sale or sells any product covered by this Act at less than the price stipulated in a fair trade contract entered into under the provisions of this Act, whether or not he is a party to the contract, or who violates any of the provisions of this Act, shall be deemed to be guilty of unfair competition.

(2) Unfair competition is actionable at the instance of the person damaged thereby, notwithstanding the existence of any other remedy or penalty.

Section 6. Any person who, directly or indirectly, violates any of the provisions of this Chapter shall be fined not less than one hundred nor more than five hundred dollars. Each separate transaction shall be deemed a separate offense.

HB 479, AN ACT relating to hunting of game.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 150.990 of the Kentucky Revised Statutes is amended to read as follows:

(1) Each bird, fish or animal taken, possessed, bought, sold or transported and each device used or possessed contrary to the provisions of this chapter or any regulation adopted by the commissioner thereunder shall constitute a separate offense. The penalties prescribed in this section shall be for each offense.

(2) Any person who violates any of the provisions of this chapter or any regulations adopted by the commission hereunder, for which no definite fine or imprisonment is fixed by this section, shall be fined not less than fifteen dollars nor more than one hundred dollars.

(3) Any person who violates any of the provisions of subsection (3) of KRS 150.090, subsection (1) and (2) of KRS 150.180, KRS 150.300, subsection (1) of KRS 150.310, KRS 150.330, subsection (2) of KRS 150.360, KRS 150.485 or KRS 150.600 shall be fined not less than twenty-five nor more than two hundred dollars or imprisoned for not more than six months, or both.

(4) (a) Any person who violates any of the provisions of subsection (1) of KRS 150.460 shall be fined not less than one hundred dollars nor more than one thousand dollars, or imprisoned for not more than six months, or both.

(b) Any person who violates subsection (2) or subsection (3) of KRS 150.460 shall be guilty of a felony and upon conviction shall be confined in the penitentiary for not less than one year nor more than three years and shall be fined not more than five hundred dollars.

(5) Any licensee who violates any provisions of this chapter or any regulation adopted by the commissioner thereunder shall, in addition to the penalties provided in subsection (2), (3) and (4) of this section, forfeit his license.

(6) Any county court clerk who knowingly makes a false entry upon a license record or report, in violation of subsection (2) of KRS 150.190 shall be fined not less than one hundred dollars nor more than five hundred dollars.

(7) Any person who violates the provisions of subsection (2) of KRS 150.185 shall be fined not less than twenty-five dollars, nor more than two hundred dollars.

(8) Any person who violates any provisions of KRS 150.390 shall be fined not less than one hundred dollars, nor more than one thousand dollars.

(9) Any person who violates KRS 150.525 shall be fined not less than twenty-five dollars, nor more than two hundred dollars or imprisoned for not more than six months, or both.

(10) Any persons who violate any regulation which has been or may be hereafter adopted by the commission under any provisions of this chapter or which is adopted to supplement, explain, carry out or limit any provision of this chapter, shall be subject to the same penalty as is provided for the violation of any provisions of this chapter under which the regulation is adopted or which the regulation supplements, explains, carries out or limits.

(11) Any person violating the provisions of subsection (1) of KRS 150.670, shall be fined not less than fifteen dollars nor more than one hundred dollars.

(12) Any person who violates the provisions of Section 150.175 (20) of the Kentucky Revised Statutes shall be fined not less than fifty dollars nor more than two hundred dollars, and any firearm used in such violation shall be confiscated.

HB 480, AN ACT relating to the State Fair Board.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 247.090 of the Kentucky Revised Statutes is amended to read as follows:

(1) The State Fair Board shall be composed of nine members, as follows:

(a) The Governor;

(b) The Commissioner;

(c) The Dean of the College of Agriculture of the University of Kentucky; and

(d) Six members appointed from the state at large by the Governor with due consideration to geographical distribution throughout the state.

(2) The terms of the present six appointed members of the board shall be for four years, dating from the beginning of the terms for which they were respectively appointed, and until their successors are appointed and qualify, the beginning date being calculated as of December 12, 1944, for two of the terms, December 12, 1945, for two of the terms, and December 12, 1946, for two of the terms. As the terms of each group of two members expire, the Governor shall appoint successors for terms of four years and until their successors are appointed and qualify. Beginning with the appointments to be made for the terms commencing December 12, 1948, one member of the first group of two successor members to be appointed shall be appointed from a list of six nominees consisting of three names from each of the two political parties polling the largest number of votes in the state at general elections submitted to the Governor by the governing body of the Kentucky Livestock Improvement Association; one member of the second such group shall be appointed from a list of six nominees so submitted by the governing body of the American Saddle Horse Breeders Association; and one member of the third such group shall be appointed from a list of six nominees so submitted by the governing body of the Kentucky Farm Bureau Federation. The other member of each group of two successor members so appointed shall not be of the same political affiliation as the appointee selected from the nominees submitted by the named organizations, it being the intention hereof that of the six members so appointed by the Governor three shall be appointed from each of the two political parties polling the largest number of votes in the state at general elections.

(3) In case of a vacancy among the appointed members of the board, the unexpired term so occurring shall be filled by the Governor, who shall appoint a person having the same required qualifications as the person who theretofore held such office.

HR 74, A JOINT RESOLUTION changing the name of Dewey State Park to Jennie Wiley State Park.

WHEREAS, in the Big Sandy Valley of Eastern Kentucky near the mouth of Johns Creek, where said creek flows into the Levisa Fork of the Big Sandy River, the Commonwealth of Kentucky holds title to a vast area of picturesque, rugged timberland known as Dewey Lake State Park;

WHEREAS, title to such land has been granted the Commonwealth of Kentucky by the Government of the United States of America;

WHEREAS, the state park has been given the name of the lake which it surrounds, Dewey, which was taken from the name of an insignificant postoffice no longer in existence;

WHEREAS, it was in this area that one of Kentucky's greatest heroines, Jennie Wiley, in colonial times, made a dramatic escape from a band of Shawnee and Cherokee Indians after nearly a year of captivity, unbelievable hardship, torture and disgrace, to find rescue at Harmon's Station, in what is now Johnson County;

WHEREAS, the said Jennie Wiley, captured by a marauding band of Indians in Ab's Valley in Western Virginia, was forced to witness the slaughter of her 15-year-old brother and three of her children, then accompany the Indians down the Big Sandy River through what is now Pike County and through what is now the Dewey Lake State Park, in Floyd and Johnson counties;

WHEREAS, while on the trail down the Big Sandy the Indians forced the said Jennie Wiley to watch while they smoked and dried the scalps of her brother and four children;

WHEREAS, the Indians, unable to ford the Ohio River, turned back up the little Sandy River to a huge overhanging rock still known as "Jennie's Rock," located in what is now Johnson County, where she was forced to witness the execution of still another child born on the march to her;

WHEREAS, the said Jennie Wiley managed to make her escape from the Indians, eluding them by drowning a dog that was following her and about to reveal her whereabouts and crossing the Big Sandy River in the area now known as Dewey Lake State Park;

WHEREAS, the said Jennie Wiley, nee Sellards, is a relative of many Eastern Kentuckians residing in the Counties around Dewey Lake State Park;

WHEREAS, the said Jennie Wiley, reunited with her husband in Virginia, had the courage to accompany him back to the area now known as Dewey Lake State Park, and in that area give birth to several more children; and

WHEREAS, the said Jennie Wiley lies buried in Johnson County in the general area of Dewey Lake State Park;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the name of Dewey Lake State Park be and is hereby changed to that of Jennie Wiley State Park in order that the memory of a pioneer woman of whom the entire Commonwealth might well be proud may thus be perpetuated.

The Committee on Appropriations and Revenues reported **HB 358, HB 262, HR 72, HB 412, HB 500, HR 76, HB 383, HB 498, HB 440, HR 33, HB 461, HB 340, HB 387, HB 20, HB 274** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 358, AN ACT providing for a detailed statistical program.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of the Kentucky Revised Statutes is created to read as follows:

In enacting legislation providing for a detailed up-to-date statistical program, it is the intention of the General Assembly to make available to all interested persons the specific factual data concerning the agriculture industry in this Commonwealth so as to assist these parties in applying this information and improving the industry of the Commonwealth.

Section 2. The sum of twenty-five thousand dollars is appropriated out of the General Fund for the purpose of financing a program which will insure that statistical information and specific factual data pertaining to the agricultural industry of Kentucky is kept up-to-date at all times by the Department of Agriculture, Labor and Statistics. The sum appropriated shall not lapse at the end of the 1958-1959 fiscal year but shall be carried over into the 1959-1960 fiscal year.

HB 262, AN ACT relating to social security, extending coverage to teachers.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 61.410 of the Kentucky Revised Statutes is amended to read as follows:

(1) In order to extend to certain employes of the Commonwealth and its political subdivisions, and interstate instrumentalities, not now members of public retirement systems, and to the dependents and survivors of such employes, the basic protection accorded to others by the Old-Age and Survivors Insurance System embodied in the Social Security Act, it is hereby declared to be the policy of the General Assembly to provide such protection to such employes, and their dependents and survivors, on as broad a basis as is permitted under the Social Security Act.

(2) Subject to the provisions of KRS 61.430 (6) and the Federal Social Security Act, as amended, and regardless of present coverage under a public retirement system, it is declared to be the policy of the General Assembly to extend the aforesaid protection to the employes of the state colleges enumerated in KRS 164.290 and to the teachers of any school district, and to their dependents and survivors.

Section 2. Section 61.420 of the Kentucky Revised Statutes is amended to read as follows:

For the purposes of KRS 61.410 to 61.500:

(1) "Wages" means all remuneration for employment as defined herein, including the cash value of all remuneration paid in any medium other than cash, except that such terms shall not include that part of such remuneration which, even if it were for "employment" within the meaning of Federal Insurance Contributions Acts, would not constitute "wages" within the meaning of that Act;

(2) "Employment" means any service performed by an employe in the employ of the Commonwealth, a political subdivision, or an interstate instrumentality, for such employer, except (a) service of an emergency nature, (b) service which in the absence of an agreement entered into under KRS 61.410 to 61.500 would constitute "employment" as defined in the Social Security Act, or (c) service which under the Social Security Act may not be included in any agreement between the Commonwealth and Federal Security Administrator entered into under KRS 61.410 to 61.500; provided, however, that service, the compensation for which is on a fee basis, may be excluded in any plan approved under KRS 61.410 to 61.500, and provided also, that service in any class or classes of positions, the exclusion of which is permitted under the Social Security Act, may be excluded in any plan approved under KRS 61.460;

(3) "Employe", in addition to its usual meaning, includes both elective and appointive officers of the Commonwealth, political subdivisions, or interstate instrumentalities;

(4) "State agency" means the Division of Personnel Security in the Department of Economic Security;

(5) "Federal Security Administrator" includes any individual to whom the Federal Security Administrator has delegated any of his functions under the Social Security Act with respect to coverage under such act of employes of states and their political subdivisions;

(6) "Political subdivisions", in addition to counties, municipal corporations and school districts, includes instrumentalities of the Commonwealth, of one or more of its political subdivisions or of the Commonwealth and one or more of its political subdivisions, and any other governmental unit thereof;

(7) "Social Security Act" means the Act of Congress approved August 14, 1935, Chapter 531, 49 Stat. 620, officially cited as the "Social Security Act", including regulations and requirements issued pursuant thereto, as such act has been and may from time to time be amended;

(8) "Federal Insurance Contributions Act" means subchapter A of Chapter 9 of the Federal Internal Revenue Code as such Code has been and may from time to time be amended;

(9) "Secretary of Health, Education and Welfare" includes any individual to whom the Secretary of Health, Education and Welfare

has delegated any of his functions under the Social Security Act, with respect to coverage under this Act, and with respect to any action taken prior to April 11, 1953, includes the Federal Security Administrator and any individual to whom such Administrator has delegated such functions; and

(10) "Teachers" means any full-time regular or special teacher, principal, supervisor, superintendent, assistant-superintendent, librarian, attendance officer, or other full-time member of the teaching or professional staff engaged in the service of the public elementary and secondary schools for whom certification is required as a condition of employment.

Section 3. Section 61.430 of the Kentucky Revised Statutes is amended to read as follows:

Consistent with the terms and conditions of KRS 61.410 to 61.500, the state agency, with the approval of the Governor, is hereby authorized to enter on behalf of the Commonwealth into an agreement with the Secretary of Health, Education and Welfare, for the purpose of extending the benefits of the Federal Old-Age and Survivors Insurance System to employes of the Commonwealth or any political subdivision thereof with respect to services specified in such agreement which constitute "'employment" as defined in KRS 61.420. Such agreement may contain such provisions relating to coverage, benefits, contributions, effective date, modification and termination of the agreement, administration and other appropriate provisions as the state agency and Secretary of Health, Education and Welfare shall agree upon, but except as may be otherwise required by or under the Social Security Act as to the services to be covered, such agreements shall provide in effect that:

(1) Benefits will be provided for employes whose services are covered by the agreement, and their dependents and survivors, on the same basis as though such services constituted employment within the meaning of Title II of the Social Security Act;

(2) The state will pay to the Secretary of the Treasury, at such time or times as may be prescribed under the Social Security Act, contributions with respect to wages equal to the sum of taxes which would be imposed by Sections 1400 and 1410 of the Federal Insurance Contributions Act if the services covered by the agreement constituted employment within the meaning of that Act;

(3) Such agreement or modification of such agreement shall be effective with respect to services performed after an effective date specified in the agreement or modification thereof but in no case prior to January 1, 1955 for cases where such agreement or modification is agreed to prior to January 1, 1958; for cases where such agreement or modification is agreed to during the years 1958 and 1959, the effective date specified in such agreement or modification shall not be earlier than January 1, 1956; and in no case prior to the first day of the calendar year in which such agreement or modification, as the case

may be, is agreed to by the Secretary of Health, Education and Welfare and the Commonwealth after December 31, 1959;

(4) All services which constitute employment and are performed in the employ of the Commonwealth by employes of the Commonwealth shall be covered by the agreement;

(5) All services which (a) constitute employment, (b) are performed in the employ of a political subdivision of the state, and (c) are covered by a plan which is in conformity with the terms of the agreement and has been approved by the state agency under KRS 61.460, shall be covered by the agreement.

(6) (a) Such agreement or modification of such agreement, as permitted under the Social Security Act, shall include all services described in subsection (4) and performed by employes in positions covered by a retirement system at the various state colleges enumerated in KRS 164.290, and teachers of any school district, with respect to which the Governor has issued a certificate to the Secretary of Health, Education and Welfare pursuant to this subsection;

(b) With respect to state colleges enumerated in KRS 164.290, or upon petition of at least one-fifth of the teachers of any school district, the Governor shall authorize referendums and designate agencies or individuals to respectively supervise their conduct in accordance with the requirements of Section 218 (d) (3) of the Social Security Act and this subsection;

(c) Such referendum shall be conducted in conformity with the following conditions:

Each referendum shall be by secret, written ballot on the question of whether or not service in positions now covered by a public retirement system in the state college or school district shall be included under the agreement between the Governor and the Secretary of Health, Education and Welfare;

An opportunity to vote in such referendum shall be given and shall be limited to all eligible employes of such state college, or school district;

Not less than ninety days notice of such referendum shall be given to all such employes of the state college, or school district;

Such referendum shall be conducted under the supervision of an agency or individual designated by the Governor;

The proposal for coverage shall be approved only if a majority of the eligible employes of the state college, or school district vote in favor of including services in such positions under the agreement;

(d) Upon receiving satisfactory evidence that, with respect to any such referendum, the conditions specified in this subsection and Section 218 (d) (3) of the Social Security Act have been met, the Governor shall so certify to the Secretary of Health, Education and Welfare;

(7) For the purposes of this section, employes of each of the colleges enumerated in KRS 164.290 or school district shall be considered a separate coverage group.

HR 72, by Representative Render, A RESOLUTION directing the Department of Conservation to activate a program looking toward development of a state park at Rough River Dam.

WHEREAS, the area surrounding Rough River Dam, Falls of Rough, Kentucky is one of the most scenic and beautiful in the entire world;

WHEREAS, such area is easily accessible by a modern well kept highway;

WHEREAS, the said area is within convenient driving distance of many thousands of citizens of the Commonwealth, and

WHEREAS, said citizens do not presently have at their immediate disposal any park or recreational area;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Department of Conservation be and is hereby directed to activate proper measures toward the development of a state park at Rough River Dam, Falls of Rough, Kentucky.

HB 412, AN ACT relating to utility gross receipts taxes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 136.240 of the Kentucky Revised Statutes is amended to read as follows:

(1) Subject to the exceptions contained in subsection (2) of this Section, and except as provided in KRS 279.200, an excise tax is hereby imposed on the sale of electric current, water, artificial, natural or mixed gas, and on furnishing the ways or means for the transmission of the voice or of messages between persons in this state, other than those transmitted by United States Mail, equal to three percent of the aggregate gross receipts of the persons engaged in such business. Every such person shall collect the tax from the purchaser and account to the state for the tax in the manner provided by KRS 136.250.

(2) No tax is imposed upon the transmission of the voice or messages for, or upon sales of electric current, water, artificial, natural or mixed gas to the United States, this state, any city or other political subdivision of this state, or any charitable, religious or educational institution in this state. No tax is imposed upon sales of electric current, water, artificial, natural or mixed gas for the purpose of resale,

nor upon the sale of electric current or artificial or natural gas for use in manufacturing, processing, refining or for use in producing, extracting, or mining coal, petroleum, natural gas or mineral deposits. Sales of electric current, water, artificial, natural or mixed gas in interstate commerce are specially excluded from the provisions of this Section.

HB 500, AN ACT relating to the Kentucky Agricultural Experiment Station.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. There shall be established an experimental steer feeding barn at the Western Kentucky Substation of the Kentucky Agricultural Experiment Station at Princeton, Kentucky, for purposes of steer feeding research and management.

Section 2. There shall be established two public swine evaluation stations, one to be at the Kentucky Agricultural Experiment Station on the Coldstream Farm in Lexington, Kentucky, and the other at the Western Kentucky substation at Princeton, Kentucky, for swine research and studies in the science of swine feeding for the development of meat-type swine.

Section 3. There shall be established a central farrowing house, at the Western Kentucky Substation of the Kentucky Agricultural Experiment Station at Princeton, Kentucky, to establish improved facilities for swine breeding and care, and for development of better meat-type swine.

Section 4. To carry out the purposes of this Act, there is hereby appropriated to the Kentucky Agricultural Experiment Station out of the General Fund the sum of one hundred twenty-five thousand dollars for the 1958-1959 fiscal year. Unexpended funds shall not lapse, and shall be carried over into the next fiscal year.

HR 76, A JOINT RESOLUTION authorizing and directing payment of a claim of the Rocky Creek Lake Club, Incorporated.

WHEREAS, on July 3, 1956 the Rocky Creek Lake Club, Incorporated, of Russellville, Kentucky, paid the sum of $450.00 to a local attorney in private practice for abstract and title work performed in 1955-1956 on behalf of the Commonwealth of Kentucky in connection with acquisition by the Commonwealth of title to numerous tracts of land in Muhlenberg, Logan and Todd Counties to be used for the creation of a lake and establishment of a recreational area for the benefit of the people of this State; and

WHEREAS, through mistake or inadvertence no provision had been made by the Commonwealth for the payment of this cost, thereby necessitating this expenditure by the Club in order to avoid delay; and

WHEREAS, the Club should be reimbursed for its expenditure on behalf of the Commonwealth;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Commissioner of Finance and the State Treasurer are authorized and directed to pay to the Rocky Creek Lake Club, Incorporated, of Russellville, Kentucky, the sum of $450.00.

HB 383, AN ACT relating to income tax.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Provisions of Chapter 141 of the Kentucky Revised Statutes shall not apply to individuals sixty years of age or older.

Section 2. Section 141.020 of the Kentucky Revised Statutes is amended to read as follows:

(1) With respect to taxable years beginning after December 31, 1955, an annual tax, consisting of a normal tax and a surtax, shall be paid for each taxable year by every resident individual of this state, upon his entire net income as defined in this chapter. Normal tax shall be determined by applying the rates in subsection (2) to net income and subtracting allowable tax credits provided in subsection (3). Surtax shall be determined according to the rates in subsection (4). The annual tax due shall be the sum of the normal tax and the surtax.

(2) The following rates shall be applied to net income:

(a) Two percent of the amount of net income not exceeding three thousand dollars;

(b) Three percent of the amount of net income in excess of three thousand dollars but not in excess of four thousand dollars;

(c) Four percent of the amount of net income in excess of four thousand dollars but not in excess of five thousand dollars;

(d) Five percent of the amount of net income in excess of five thousand dollars but not in excess of eight thousand dollars;

(e) Six percent of the amount of net income in excess of eight thousand dollars.

(3) The following tax credits, when applicable, shall be deducted from the result obtained under subsection (2) to arrive at normal tax.

(a) Twelve dollars for an unmarried individual.

(b) Twelve dollars for a married individual filing a separate return and an additional twelve dollars for the spouse of taxpayer if a separate return is made by the taxpayer and if the spouse, for the calendar year in which the taxable year of the taxpayer begins, has no gross income and is not the dependent of another taxpayer; or twenty-four dollars for married persons filing a joint return, provided neither spouse is the dependent of another taxpayer. The determination of marital status for the purpose of this section shall be made in the manner prescribed in Section 153 of the Internal Revenue Code.

(c) Twelve dollars credit for each dependent whose gross income for the calendar year in which the taxable year of the taxpayer begins is less than six hundred dollars, or who is a child, as defined in Section 151 (e) (3) of the Internal Revenue Code, of the taxpayer and who (i) has not attained the age of 19 at the close of the calendar year in which the taxable year of the taxpayer begins, or (ii) is a student. No exemption shall be allowed for any dependent who has made a joint return with his spouse.

(d) An additional twelve dollars credit if the taxpayer is blind at the close of the taxable year.

(e) An additional twelve dollars credit for taxpayer's spouse if a separate return is made by the taxpayer and if the taxpayer's spouse is blind and, for the calendar year in which the taxable year of the taxpayer begins, has no gross income and is not the dependent of another taxpayer.

(f) In the case of nonresidents, the tax credits allowable under this subsection shall be that proportion of those permitted therein that is represented by the ratio of the taxpayer's net income in this state to his total net income from all sources; or, if the taxpayer elects to pay the tax under KRS 141.025, as represented by the ratio of the taxpayer's adjusted gross income in this state to his total adjusted gross income.

(g) In the case of a fiduciary, other than an estate, the allowable tax credit shall be two dollars.

(h) In the case of an estate, the allowable tax credit shall be twelve dollars.

(4) The following rates shall be applied to the normal tax to determine the surtax:

(a) Ten percent of the amount of normal tax not in excess of twenty-five dollars;

(b) Twenty percent of the amount of normal tax in excess of twenty-five dollars but not in excess of one hundred dollars;

(c) Thirty percent of the amount of normal tax in excess of one hundred dollars.

(5) An annual tax shall be paid for each taxable year as specified in this section upon the entire net income, except as herein provided, from all tangible property located in this state, from all intangible property that has acquired a business situs in this state, and from business, trade, profession, occupation or other activities carried on in this state, by natural persons not residents of this state. A nonresident individual shall be taxable only upon the amount of income received by him from labor performed, business done or from

other activities in this state, from tangible property located in this state, and from intangible property that has acquired a business situs within this state. The remainder of the income received by him shall be deemed non-taxable by this state.

(6) Subject to the provisions of KRS 141.081 and KRS 141.082, any individual may elect to pay the annual tax imposed by KRS 141.025 in lieu of the tax levied under this section.

HB 498, AN ACT relating to indigent tuberculosis patients.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) Every citizen and resident of the Commonwealth of Kentucky who has been discharged from a tuberculosis hospital within the Commonwealth of Kentucky who is recommended for continued drug therapy by the hospital director, and who, upon a showing to the commissioner of the State Board of Health that he or she cannot pay for such drug therapy, shall be granted a certificate by the State Board of Health which will entitle said person to secure all drugs needed for the treatment of tuberculosis without charge to such person.

(2) The cost of such drugs shall be paid by the State Board of Health upon presentment of the verified bill by the person dispensing said drugs.

Section 2. The sum of eighty five thousand dollars is hereby appropriated out of the General Fund to carry out the purposes of this Act. The sum shall not lapse at the end of the 1958-1959 fiscal year but shall be carried over into the 1959-1960 fiscal year.

HB 440, AN ACT relating to old-age assistance.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. (1) The minimum amount of assistance to be paid to any person otherwise entitled to old-age assistance shall not be less than fifty dollars per month.

(2) If appropriations for purposes of this Section, together with funds provided from any other source are insufficient to fully comply with its provisions as to every person entitled to old-age assistance, such minimum payment funds as are available shall be prorated among all persons entitled to old-age assistance.

Section 2. The Commissioner of Economic Security shall immediately negotiate with the Secretary of Health, Education and Welfare to secure approval of a state plan for administration of this Act in connection with the federal old-age assistance law. Until such time as approval is obtained, the provisions of this Act shall not be operative.

HR 33, A CONCURRENT RESOLUTION authorizing and directing inspection of all penal and mental institutions operated by the Commonwealth; inquiry into affairs, activities and management of such institutions and providing for a special committee and funds therefor.

WHEREAS, it is desirable that the General Assembly have full and complete information concerning the condition of physical properties and the affairs, activities and management of penal and mental institutions, operated by the Commonwealth, in order that it may be enabled to take such legislative action as may appear to be necessary or desirable in the best interest of the citizens of the Commonwealth and the inmates of such institutions and the furtherance of progressive enlightened government;

NOW, THEREFORE,

Be it Resolved by the House of Representatives of the Commonwealth of Kentucky, the Senate concurring therein:

Section 1. That, for the purposes of this resolution, there shall be appointed a special joint committee to be composed of three members of the House of Representatives appointed by the Speaker and three members of the Senate appointed by the President. The committee appointed hereunder shall constitute a committee of the General Assembly and, in addition to the powers hereinafter enumerated, shall possess all of the powers granted by Section 39 of the Constitution and by Sections 6.072 and 6.080 of the Kentucky Revised Statutes. The committee shall designate one of its members as chairman.

Section 2. That committee created in this resolution is authorized, empowered and directed to make an investigation of the physical properties of all penal and mental institutions operated by the Commonwealth and to fully and thoroughly inquire into and investigate the affairs, activities and management of such institutions including the conduct and acts of all officers and employes thereof.

Section 3. That the committee shall have full and plenary powers to subpoena, demand the presence of, and examine under oath any and all persons deemed to possess any knowledge or information pertinent to the inquiry and investigation being conducted. The committee shall have the further power to require the production of any documents or other data or written matter deemed pertinent to the inquiry and investigation.

Section 4. That committee is authorized and empowered to conduct hearings at any place within this state or elsewhere, and to adopt rules governing its meetings, hearings and procedure.

Section 5. That enumeration of powers hereinabove set forth shall not be construed as a limitation upon any inherent powers which the committee may possess as a legislative committee under the Constitution, statutes or common law.

Section 6. That committee is authorized and empowered to employ stenographic and clerical assistants and such other skilled assistants as it may deem necessary and expedient for the performance of its duties and to purchase or otherwise acquire necessary equipment or supplies.

Section 7. That committee shall have authority to reimburse its members and employes for actual and necessary traveling expenses, telephone and telegraph expenses, and similar expenses incurred in the performance of the duties of the committee.

Section 8. That committee shall have at its disposal the facilities of the Legislative Research Commission.

Section 9. That committee shall proceed as rapidly as practicable with the inquiry and investigation and report its findings to the General Assembly and to the Governor.

Section 10. That the expenses authorized by this resolution shall be payable from funds appropriated to the legislature in the same manner as any other legislative expenditures.

Section 11. Whereas, it is essential that the inquiry and investigation provided for in this Resolution be made forthwith in order that the present General Assembly may take such legislative action as may be necessary or desirable for the benefit of the Commonwealth, an emergency is declared to exist and this Resolution shall take effect upon its passage and approval by the Governor.

HB 461, AN ACT providing for a tax on greyhound racing and providing how said tax shall be levied and collected and providing the means and method of levying and collecting same and providing penalties for the violation thereof; providing for a Greyhound Racing Commission; prescribing its powers and duties; providing for holding elections; providing for licensing such racing and apportioning the moneys derived therefrom; prescribing the hours within which such racing may be conducted; providing for the selling of combination or French pools within the enclosure of licensed race tracks; providing penalties for violations of this Act and repealing any laws in conflict therewith.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. (1) Any corporation formed for the purpose of racing or breeding of greyhounds and conducting races and contests of speed shall have the power and right, subject to the provisions of this Act to hold one or more race meetings in each year and to hold, maintain and conduct races at such meetings. At such meetings the corporation or the owners of greyhounds engaged in such races or others who are not participants in the racing may contribute purses, prizes, premiums or stakes to be contested for; but no person or persons other than the owner or owners of greyhounds contesting in a race shall have any pecuniary interest in a prize, purse, premium or stake contested for in such race, or be entitled to, or receive any portion thereof, after such race shall have been finished; and the whole of such purse, prize or premium or stake shall be allotted in accordance with the terms and conditions of such race.

(2) Such meetings shall be held during the period extending from the first day of May to the first day of November, except in counties having horse racing said meetings shall not be held during a horse race meeting. Said races shall be held between the hours of 7 a.m. and 12 p.m., and no racing shall be permitted on Sunday. No minor shall be permitted to attend said races.

Section 2. (1) A Greyhound Racing Commission is hereby established to consist of three persons to be appointed by the Governor. The members of said commission shall hold their offices for a term of four years and the first commission shall be appointed within twenty days after this Act shall go into effect. The Governor shall appoint a secretary for said commission who shall act for a period of two years whose duty it shall be to keep a full and faithful record of its proceedings and preserve at its general office all books, maps, documents and papers intrusted to its care and who shall perform such other duties as the commission may prescribe. The secretary shall be paid a salary to be fixed by the commission at a rate not exceeding five thousand dollars per annum, which shall be paid by the several racing corporations or associations conducting racing in this Commonwealth.

(2) The commission shall biannually make a full report to the General Assembly of its proceedings for the two year period ending with the first day of December preceding the meeting of the General Assembly and shall embody therein such suggestions and recommendations as it shall deem proper.

Section 3. (1) Said commission shall have the power to prescribe appropriate rules, regulations and conditions under which greyhound racing shall be conducted in this Commonwealth, except that the Commission shall not grant or issue any permit to any applicant to conduct greyhound racing within fifty miles from any greyhound track of any permit holder; and no such races shall be conducted except by a corporation or association duly permitted and licensed by such commission as herein provided.

(2) Any corporation or association desiring to conduct such racing may apply for a permit so to do. If, in the judgment of the commission, a proper case for the issuance of such permit is shown,

it may grant the same to the applicant and such permit shall contain the condition that all races or race meetings conducted thereunder shall be subject to the rules, regulations and conditions from time to time prescribed by the commission and shall be revocable by the commission for any violation thereof or whenever the permittee shall be found guilty of conduct not conducive to the best interests of legitimate greyhound racing.

(3) After a permit has been granted and issued to such applicant, the permittee shall have the right to have a license issued to it annually to conduct greyhound racing at its race track during the greyhound racing seasons of subsequent years unless greyhound racing in the county of the permittee's race track shall have been disapproved by a referendum election held as herein provided. But if a permit is revoked or a subsequent annual license is refused, revoked or suspended to any permittee by said commission, the commission shall publicly state its reasons for so doing and said reasons shall be written in full in the minute book of said commission, which shall at all times be subject to inspection upon application of any person desiring so to do.

(4) Said finding of the commission revoking such permit or refusing, revoking or suspending such annual license shall be subject to review by the circuit court of the county wherein the permittee is or proposes to do business. Either party may appeal to the Court of Appeals in the manner provided for civil cases.

Section 4. Greyhound race meetings, at which racing shall be permitted for any stake, purse or reward except as allowed by this Act, are hereby declared to be public nuisances and any person acting or aiding therein shall be deemed guilty of a misdemeanor and punished by a fine of not less than $500 nor more than $1,000 for each day of such meeting or racing and in addition thereto, in a suit brought for the purpose by the Greyhound Racing Commission in the Circuit Court of the county where it may be proposed to conduct such unauthorized racing, an injunction may be obtained against the operation of said race meeting.

Section 5. (1) At the time of making application for a permit, the applicant shall deposit with the commission a cash bond, certified check or bank draft payable to the order of the commission in an amount equal to one hundred dollars for each day excluding Sundays, petitioned for in said application. At the close of the last day of the greyhound racing meeting for which a permit has been issued as provided for in Section 6 of this Act, the commission shall refund to such permit holder the sum of one hundred dollars for each racing day the permit holder paid the commission the tax due for said day as provided for and at the rate stipulated by this Act; provided, however, if such permit holder has not paid to the commission the expenses and compensation of representatives assigned to his or its track as provided for in this Act, the commission is authorized and directed to withhold such refund until the same has been paid.

(2) In the event, any full day's racing is declared off by the judges on account of inclement weather, muddy track, or any essential part of said racing plant has been rendered unusable by fire, wind, riot or explosion or other cause, the commission shall refund to the permit holders the sum of one hundred dollars of their deposit for each day.

Section 6. (1) Upon the filing of an application accompanied by a permit fee or a cash bond, certified check or bank draft as herein provided by any person, association, trust or corporation not in default of payment of any obligation due to the Commonwealth of Kentucky under the provisions of this Act, the commission may issue a permit to such applicant to hold or conduct greyhound racing as authorized in this Act.

(2) Such permit shall specify the person, association, trust or corporation to whom the same is issued, the dates upon which such greyhound racing meetings are to be held or conducted, the hours of such dates between which such greyhound racing shall be permitted, the location of the place, track or enclosure which such greyhound racing meeting is to be held or conducted and shall in writing evidence the receipt of the payment of the permit fee and the deposit of the cash bond, certified check or bank draft by applicant. Any such permit issued to such applicant shall contain a condition that all greyhound racing meetings conducted therein shall be subject to the rules and regulations of the commission as then existing or as may be from time to time prescribed and promulgated by said commission. The permit shall be non-transferable and shall apply only to the place, track or enclosure specified therein.

(3) The commission may refuse to award dates or to issue a permit to any applicant if a permit has been previously issued to said applicant and revoked under the authority of this Act or for any cause by it deemed sufficient. Such permit may be suspended, diminished or revoked by the commission for any violation of this Act or of any rule of the commission made under authority of this Act, provided five days written notice is mailed by registered mail to the permit holder which notice shall specify the charges, the time and place of hearing thereon at which hearing the permit holder shall be given the opportunity of presenting evidence and being represented by counsel and the commission shall immediately enter upon its record of proceedings a memorandum of its action in such suspension, diminution or revocation and its reasons therefore.

Section 7. (1) Any person, association, trust or corporation holding a permit to conduct a greyhound racing meeting, may provide a place or places in the racing grounds or enclosure at which they or it may conduct and supervise the combination, French pools, or certificate system of wagering by patrons of legal age on the greyhound races conducted by such permit holder at such meeting.

(2) Such combination, or French pool or certificate method of wagering upon greyhound races held at or within such race track and at the time of such greyhound racing meeting shall not be held or construed to be unlawful, the Statutes of the Commonwealth of Kentucky to the contrary notwithstanding, and any law in conflict therewith is hereby repealed to the extent of such conflict.

(3) No other place except that provided and designated by the permit holder or any method of betting or wagering except the combination or French pools or certificate system shall be used or permitted by the permit holder. Combination or French pools or certificate system of wagering shall not be conducted by the permit holder on any greyhound races except the races at the race track grounds or enclosure for which the person, association, trust or corporation holds a permit.

(4) Each permit holder may retain as commission, not to exceed fifteen percent of the total of all money wagered each day. The permit holder may also retain the odd cents of all redistributions to be made on all compensation or French pools or certificate system, contributions exceeding a sum equal to the next lowest multiple of ten cents. At the close of each racing day, the permit holder shall pay to the commission as a tax, four percent of the total of all money wagered each day. In addition to the aforesaid taxes, each person, association, or corporation authorized to conduct race meetings under this Act shall pay to said commission as an admission tax, fifteen percent of all moneys received each day for admissions by persons attending said races. Said payment shall be accompanied by a report under oath showing the total of all said contributions and admissions on the races covered by such report and such other information as said commission may require.

(5) If any free passes or complimentary admission cards shall be issued to guests by any licensee, the licensee of such track shall pay to the commission the same tax upon such complimentary admission cards as if same were sold at the regular and usual rate; but nothing herein shall be construed to prevent the issuance of tax free passes to official and accredited newspaper men and actual employes of the licensee or other person engaged actually in working at such race track, provided, however, that the issuance of all such tax-free passes shall be under the regulation or orders of the commission and a list of all officers and employes shall be filed with the commission.

(6) The tax herein imposed shall be in lieu of all license excise or occupational taxes to the Commonwealth of Kentucky, or any county, town or political subdivision thereof, except that when any racing meeting is held or conducted in any incorporated city or town, such city and town shall have right to assess and collect an additional

tax against any person, firm, association or corporation conducting greyhound racing within its corporate limits not to exceed seventy-five dollars per day.

Section 8. All moneys collected from the three percent commission as above referred to and all moneys collected from the sale of admission tickets as above referred to shall be paid by the Commission to the State Treasurer of the Commonwealth and said moneys when paid to the State Treasurer shall be credited to the General Expenditure Fund.

Section 9. At least eighty-five percent of all persons connected with any race track authorized under this Act, including gatekeepers, announcers and ushers shall be qualified electors of this Commonwealth, provided, that this section shall not apply to owners and trainers of racing greyhounds.

Section 10. (1) After any corporation or association duly licensed by this commission has been operating greyhound racing in any county for a period of sixty days if the citizens of said county are dissatisfied with greyhound racing in said county, an election or referendum may be ordered by the legal voters of said county in number equal to twenty-five percent of the votes cast therein at the last preceding election provided said number of voters shall sign a petition to that effect in the office and in the presence of the county clerk of said county, who shall at the time said petition is signed determine whether said signer or signers are qualified voters of said county.

(2) After the requisite number of voters have signed said petition, the county clerk shall certify these facts to the county judge, whose duty it shall be at the next regular term of the county court after receiving said petition to make an order in his order book directing an election to be held in such county, to be effected thereby on some day named in said petition, no earlier than sixty days after said application is lodged with the judge of said court, which order shall direct the sheriff or court officer of said county who may be appointed to hold said election, to open a poll at each and all of the voting places in such county, city, town, district or precinct on said date for the purpose of taking the sense of the legal voters of such county who are qualified to vote at elections for county officers upon the proposition whether or not greyhound racing shall be conducted in said county.

Section 11. (1) It shall be the duty of the county clerk to give to the sheriff of the county or such officer as may be appointed to hold said election a certified copy of the order of the county court as it appears on the order book within five days after said order is made; and it shall be the duty of said sheriff or other officer to have said order published in some weekly or daily paper published in the county for at least two weeks before the election and also to advertise the same by printed or written handbills posted at some conspicuous place in each precinct in the county; the sheriff or other officer shall have the advertisements and notices posted as herein required within seven days after he receives the order of the county court.

(2) All elections provided for in this Act shall be held by such officers as would be qualified to hold elections for county officers and they shall be selected in the same way, and all elections provided for herein shall be held in accordance with the provisions of the general election laws of the state, except that they shall not be held on the same day with any regular political election, nor within thirty days preceding or following any such regular political election.

(3) The cost of the election shall be borne by the county.

Section 12. The proposition to be voted upon shall be stated upon the ballot without emblems and two spaces shall be left upon the right side of the ballot, one for votes favoring the proposition, to be designated by the word "Yes", and one for opposing it, to be designated by the word, "No". The voter shall designate his vote by a cross mark placed opposite the word "Yes" or the word "No." In any such election the form of the proposition shall be "Are you in favor of greyhound racing in (name of County)?".

Section 13. (1) The results of the election shall be certified by the county board of election commissioners. The certificate of the results shall be immediately filed with the county clerk and safely kept by him until the next regular term of the county court, when the court shall have the certificate entered on the order book. The entry of the certificate, or an attested copy thereof, shall be prima facie evidence of the result of the election in actions under this Act.

(2) When a majority of the votes cast at any election are in favor of the discontinuance of greyhound racing, such racing shall cease in the county as of November 1 in the year in which the election is held.

Section 14. The result of said election when so held under the provisions of this Act shall determine the question for a period of five years and no election shall be held again in said county upon the subject for a period of five years thereafter.

Section 15. If any section of this Act shall be declared unconstitutional it shall only affect such section and not affect any other section of this Act. All acts or parts of acts in conflict herewith are to the extent of such conflict hereby repealed.

HB 340, AN ACT relating to licenses for race tracks.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. Subsection (2) of KRS 137.170 is amended to read as follows:

Any such race track at which the average daily mutuel handle for any year commencing December 1 and ending the following November 30 exceeds the sum of $600,000 per day for the days upon which races are actually conducted for any stake, purse or prize, shall pay a license tax of twenty-five hundred dollars per day for each such day. Any such track at which the average daily mutuel handle for any year commencing December 1 and ending the following November 30 exceeds $450,000 per day for each day upon which races are actually conducted for any stake, purse or prize, but does not amount to $600,000, shall pay a license tax of one thousand dollars per day for each such day. Any such track at which the average daily mutuel handle for any year commencing December 1 and ending the following November 30 does not amount to $450,000 per day for the days upon which races are actually conducted for any stake, purse or prize, shall pay a license tax of five hundred dollars per day.

2. There is added to KRS 137.170 a new subsection (3) to read as follows:

As used in the preceding subsection the term "daily mutuel handle" shall be understood to mean the total gross amount of money bet or wagered by its patrons by means of pari-mutuel, combination or French pools.

3. Subsection (1) of KRS 137.180 is amended to read as follows:

Each person engaged in the business of conducting a race track shall, on or before thirty (30) days following the close of each duly licensed race meeting, furnish the Department of Revenue a verified report of the number of days on which races were conducted on that race track during the race meeting, together with a verified report of its daily mutuel handle for each such day during the said meeting, and at the same time pay to the state the tentatively correct amount of the license tax apparently due it pursuant to KRS 137.170.

4. There is added to KRS 137.180 a new subsection (2) to read as follows:

On or before December 31 in each year each such person shall file a final verified report with the Department of Revenue giving in summary form a recapitulation of the information furnished by the previous tentative reports filed during the year, computing the final license tax due the state for the year ending November 30 and showing the amount of license tax actually paid during such year. Any balance of license tax due the state as shown on said final report shall be paid at the same time as the filing thereof. Any overpayment in license tax disclosed by said final report shall, at the option of the taxpayer, be promptly refunded by the state or credited against the license tax to be due from the taxpayer in the following year.

5. The present subsection (2) of KRS 137.180 is renumbered as subsection (3) thereof.

HB 387, AN ACT making a supplemental appropriation to the Department of Law, and providing for the expenditure thereof.

WHEREAS, the Department of Law and the Office of the Attorney General have incurred additional operational expenses by reason of investigations made into various phases of state and local governmental affairs; and

WHEREAS, certain investigations are continuing and litigation has commenced or will be instituted, all of which have increased the operational costs of the Office of the Attorney General; and

WHEREAS, in addition to these heavy and unusual expenses, the Attorney General, as Chairman of the Southern Regional Group of Attorneys General, will have certain additional official expenses in organizing and carrying on the conference of Southern Attorneys General which is to be held in Kentucky in the calendar year 1958; and

WHEREAS, the funds already budgeted to the Department of Law have been too limited to permit implementation of the Jacobs survey, even without the necessity of the aforementioned unusual expenses, and have been insufficient to permit the necessary replacement of a multilith machine for the preparation of briefs for the Court of Appeals;

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. There is hereby appropriated to the Department of Law out of moneys in the General Fund not otherwise heretofore appropriated, and supplementary to the appropriations made to the Department of Law for the biennium 1956-1958, the sum of fifteen thousand dollars. This appropriation shall be available for expenditure as hereinafter provided for the remainder of the 1957-1958 fiscal year, and is specifically designated a continuing appropriation and any balance remaining at the end of said fiscal year shall be carried over without lapse for the benefit of the Department of Law in the ensuing year, 1958-1959. This appropriation is in addition to and separate from the appropriation made to the Department of Law in the regular budget.

HB 20, AN ACT relating to benefits for retired teachers, and making an appropriation therefor.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Any retired teacher who completes twenty years of service as a teacher in the public schools of Kentucky prior to 1940 and has attained the age of sixty years shall receive a retirement allowance in an amount equal to that provided by the Teachers' Retirement System for equal service and salary received, whether or not such teacher has contributed to the Teachers' Retirement Fund. This Act shall be administered by the State Department of Education.

Section 2. The sum of ten thousand dollars is appropriated to the Department of Education out of the General Expenditure Fund for the purpose of paying the retirement benefits provided in this Act. Funds unexpended at the end of each fiscal year shall not lapse, but shall be carried over into the next fiscal year for the same purposes.

HB 274, AN ACT relating to the taxation of gasoline used as motor fuel in boats and other watercraft.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act, unless the context requires otherwise:

(1) "Gasoline" is defined as in KRS 138.210 (4).

(2) "Department" means the Department of Revenue.

(3) The term "supply tanks" shall include auxiliary storage tanks.

Section 2. When gasoline on which the tax has been paid pursuant to the provisions of KRS 138.210 to 138.340 has been used for the purpose of operating motor boats or other watercraft, the purchaser of such fuel so used shall be entitled to reimbursement to the extent of ninety percent of the tax paid as hereinafter provided. No tax shall be refunded except that paid upon such fuel used exclusively in such watercraft motors. Fuel is deemed to be used, for purposes of this Act, when delivered directly into the fuel supply tanks of boats or watercraft. No refund shall be authorized unless the amount due is as much as five dollars. The right to claim refunds may be assigned to any seller of such gasoline.

Section 3. (1) Any person desiring to purchase refund gasoline for operation of motor boats or other watercraft owned or operated by him, must file with the department an information return in a form prescribed and furnished by the department, containing a detailed description of the watercraft in which the refund gasoline is to be used, an estimate of the approximate amount of such fuel to be used during the calendar year and such other information as may be requested by the department.

(2) When such return is filed and approved the department shall assign a permit number to the applicant and shall issue coupons or certificates and blank refund applications, in form and containing such information as it may require, authorizing the purchase of refund gasoline from any distributor or retail dealer, authorized by the department to sell refund gasoline under the provisions of this Act.

(3) On or before December 1 of each year all permit holders shall file with the department an annual information return accompanied by all unused coupon certificates. Upon failure to comply with this provision the permit shall be revoked.

Section 4. No person may file an application for a refund provided by Section 2 hereof unless he shall have first filed with the Department of Revenue a bond with approved surety in an amount of not less than one hundred dollars nor more than one thousand dollars, to be determined by the Department of Revenue, conditioned upon faithful compliance with the terms of this Act and upon the payment of the Commonwealth of any refunds to which he was not entitled.

Section 5. Any person desiring to sell, at retail, refund gasoline for use in watercraft, or take assignments of claims for refund of taxes on gasoline sold by him, shall make application to the department for a permit. When such a permit is approved the permittee shall execute bond as required in Section 4 of this Act before making sale of refund gasoline. No such sale shall be made except to a holder of an unrevoked permit, on certificates bearing his permit number.

Section 6. The department may require any authorized seller or his agent to identify refund gasoline sold by him by adding thereto any chemical or substance, which shall be furnished by the department, and used in the manner prescribed by the department.

Section 7. Any person purchasing refund gasoline must personally sign and fill in his original and duplicate refund certificates each of which is to be executed separately at the time of each particular purchase, and the seller of such gasoline shall sign such certificate at the time of each purchase, certifying that the amount of gasoline listed thereon has been delivered into the fuel supply tanks of the purchaser, solely for use in watercraft motors. The original certificate must be attached to the claim for refund and shall be given to the purchaser unless the right to refund is assigned to the dealer, in which event the original, bearing such assignment, is retained by the seller. The duplicate copy shall remain attached in the coupon book and retained by the purchaser.

Section 8. Applications for refund shall on or before the last day of each month be filed with the department for refund of tax paid on gasoline bought or sold during the preceding month on forms prescribed and furnished by the department. Such application shall be accompanied by the original refund certificates, properly executed. When the department is satisfied that a refund is proper, it shall authorize ninety percent of the amount of tax paid to be refunded as other refunds are made; and the amount refunded shall be deducted from gasoline tax receipts.

Section 9. (1) No person shall make a false or fraudulent statement in an application for a refund permit, or in a gasoline refund invoice or in an application for a refund of taxes; or fraudulently obtain a refund of such taxes; or knowingly aid or assist in making any such false or fraudulent statement or claim.

(2) No person shall use or permit to be used gasoline purchased under provisions of this Act for any purpose other than as provided by law.

Section 10. (1) The refund permit of any purchaser or seller of refund gasoline who violates any provisions of Section 9 of this Act shall be revoked by the Kentucky Tax Commission and may not be reissued until two years have elapsed from the date of such revocation.

(2) For failure to comply with any provision of this Act other than those contained in Section 9 of this Act, or any regulation of the department, the refund permit of any authorized purchaser or seller may be suspended by the Kentucky Tax Commission for any period in its discretion not exceeding six months.

(3) Proceedings for revocation of permits issued under Sections 3 and 5 of this Act shall be as provided in KRS 138.355.

Section 11. Any person who violates any provision of Section 9 of this Act shall be fined not less than one hundred dollars nor more than five hundred dollars, or imprisoned for not exceeding one year, or both.

The Committee on Ways and Means reported **HB 464, HB 131, HB 132, HB 362, HB 22, HB 84, HB 113, HB 171, HB 172, HB 195, HB 214, HB 265, HB 368, HB 373, HR 51** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 464, AN ACT relating to unemployment insurance for state employes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of Chapter 341 of the Kentucky Revised Statutes is created to read as follows:

Notwithstanding any inconsistent provisions of this chapter, on and after July 1, 1958, the departments and agencies set out in KRS 12.020 shall be deemed to constitute employing units and service performed therefor "covered employment" under this chapter.

Section 2. A new section of Chapter 341 of the Kentucky Revised Statutes is created to read as follows:

(1) Contributions shall accrue and become payable by each employing unit becoming a subject employer under Section 1 of this Act in accordance with the provisions of KRS 341.260, and their contribution rates shall be determined in accordance with the provisions of KRS 341.270. Such contributions shall be deemed a proper cost of the administration of such employing units.

(2) Any employing unit becoming a subject employer under Section 1 of this Act shall encumber from its administrative funds an amount sufficient to pay the contributions required by subsection (1) of this section and upon such contributions becoming due shall cause the Commissioner of Finance and the State Treasurer to issue necessary warrants and checks for the payment of such contributions to the fund.

HB 131, AN ACT relating to the Kentucky State Police.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

No officer of the Kentucky State Police under the age of twenty-five years shall be assigned to duty patrolling the highways of the Commonwealth unless accompanied by another officer who has attained such age.

HB 132, AN ACT relating to criminal statistics.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. All city and county law enforcement agencies shall cause a photograph, a set of fingerprints and a general description report of all persons arrested on a felony charge to be made and two copies of each item forwarded within thirty days after the arrest to the Division of State Police of the Department of Public Safety, in accordance with regulations of the Department of Public Safety. Such agencies shall furnish any other information in their possession relative to law enforcement upon request by the Department of Public Safety.

Section 2. Each city and county law enforcement agency shall advise the Division of State Police of the disposition made of all cases wherein a person has been charged with a felony.

Section 3. The Department of Public Safety shall forward one copy of each photograph, set of fingerprints and general description report received by it to the Federal Bureau of Investigation.

HB 362, AN ACT relating to the sale of gasoline at wholesale.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. All gasoline sold at wholesale within a trade area shall be sold at the same price per gallon to all purchasers purchasing 200 gallons or more.

Section 2. The secret payment or allowance of rebates, refunds, commissions or unearned discounts, whether in the form of money or otherwise, or secretly extending to certain purchasers special services or privileges not extended to all purchasers within the meaning of Section 1 of this Act, shall constitute an unfair trade practice and a violation of this Act.

Section 3. Any person who violates the provisions of this Act shall, if a natural person, be imprisoned not less than one nor more than six months and if a corporation, be fined not less than One hundred dollars nor more than Five hundred dollars.

HB 22, AN ACT providing for the taking of the sense of the people of the State as to the necessity and expediency of calling a convention for the purpose of revising or amending the Constitution of the Commonwealth, and such amendments as may have been made to same as provided by Section 258 of the present Constitution of Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the sense of the people of the State as to the necessity and expediency of calling a convention for the purpose of revising or amending the present Constitution, and such amendments as may have been made to the same, shall be taken as herein provided and as provided by section 258 of the present Constitution of Kentucky.

Section 2. When this Act is passed at the present session of the General Assembly by a majority of all members elected to each house of the present General Assembly, that is when a majority of all the members of each house shall concur by a yea and nay vote, to be entered upon their respective Journals, this Act shall be spread upon the respective Journals of each house as a law.

Section 3. If the next session of the General Assembly shall, in like manner concur in this Act after it becomes a law as herein provided, it shall provide for having a poll opened in each voting precinct in this state by the officers provided by law for holding general elections at the next ensuing regular election to be held for State officers or members of the House of Representatives, which does not occur within ninety days from the final passage of such law, at which time and place the votes of the qualified voters shall be taken for and against calling the convention, in the same manner provided by law for taking votes in other State elections. The vote for and against said proposition shall be certified to the Secretary of State by the same officers and in the same manner as in State elections. If it shall appear that a majority voting on the proposition was for calling a convention, and if the total number of votes for the calling of the convention is equal to one-fourth of the number of qualified voters who voted at the last preceding general election in this State, the Secretary of State shall certify the same to the General Assembly at its next regular session, at which session a law shall be enacted calling a convention to readopt, revise or amend the present Constitution of this State, and such amendments as may have been made thereto.

Section 4. That before any constitution agreed upon by said convention shall take effect or become operative, the same shall be submitted to the qualified voters of this Commonwealth, after at least ninety days' notice, and ratified by a majority of those voting.

HB 84, AN ACT relating to a program of medical aid to indigent persons, qualifying the state for federal funds to assist in the financing thereof, authorizing the Department of Economic Security to administer the program with the cooperation of the Department of Health, creating a state Indigent Medical Care Advisory Council to advise on the administration thereof; providing funds therefor, and providing penalties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The General Assembly of the Commonwealth of Kentucky finds and recognizes that Kentucky's greatest natural resources is her people; that the full development of the commercial, industrial and agricultural potential of the Commonwealth of Kentucky depends in large degree upon the health of its citizens; that disease and sickness among the citizens of the Commonwealth discourage new industry, impedes commerce, lowers productivity, and stunts economic growth; that there are sizeable portions of the population, particularly among recipients of public assistance, who do not have the financial resources to obtain adequate, or even minimum, medical necessities, and so finding and recognizing the General Assembly declares that it is an essential obligation of the government of this Commonwealth to provide, within its financial resources, as may be supplemented by federal and other funds, for the medical care of its indigent citizenry.

Section 2. As used in this Act, unless the context clearly indicates otherwise:

(1) "Council" means the State Indigent Medical Care Advisory Council;

(2) "Dentist" means a person licensed by the State Board of Dental Examiners to practice dentistry in Kentucky;

(3) "Hospital" means any institution licensed as such by the State Board of Health;

(4) "Public Assistance Person" means a person who has been certified by the Division of Public Assistance of the Department of Economic Security as being eligible for, and a recipient of, public assistance under the provisions of Chapter 205 of the Kentucky Revised Statutes;

(5) "Medical Care" means essential medical, surgical, dental, and

nursing services in the home, office, hospital, clinic, or other suitable place provided or prescribed by physicians or dentists licensed to render such service, including drugs and medical supplies, appliances, laboratory, diagnostic, and therapeutic services, nursing home and convalescent care, and such other essential medical services and supplies as may be prescribed by such persons;

(6) "Nursing Home" means any institution licensed as such by the State Board of Health;

(7) "Physician" means any person licensed to practice medicine or osteopathy in Kentucky;

(8) "Fund" means the "Public Assistance Medical Care Fund" created by this Act.

(9) "Funds" means state, federal or other monies available for the medical care program created by this Act.

(10) "Nurse" means a registered or practical nurse licensed under the laws of this state.

(11) "Medical Payment" means a payment for medical care which is paid by the Department of Economic Security out of the public assistance medical care fund to the authorized person or institution because of care rendered to a public assistance person.

Section 3. (1) Pursuant to the state plans heretofore adopted and as may be hereafter amended pursuant to Chapter 205 of the Kentucky Revised Statutes, in providing public assistance benefits to the blind, the needy aged, the dependent child, and the indigent and permanently and totally disabled, the Department of Economic Security is authorized and directed to operate a program to provide medical care for public assistance persons.

(2) The Department of Economic Security shall by regulation prescribe the extent of the medical care to be furnished public assistance persons, taking into account, among other relevant factors, the funds available, the most essential medical needs of public assistance persons and the general objectives of this Act. The extent of medical care to be furnished may, subject to the above considerations, include all, any one, or any combination of the following:

(a) Hospitalization.
(b) General practicing physician's services.
(c) Specializing physicians' services.
(d) Nursing home care.
(e) Dental care.
(f) Furnishing of drugs and medicines.
(g) Furnishing of laboratory services.
(h) Surgery.
(i) Diagnostic services.
(j) Therapeutic services and devices.
(k) Convalescent care.

The extent of medical care to be furnished may be amended or changed from time to time by regulation of the Department of Economic Security after taking into consideration, among other relevant factors, the funds available, the most essential needs of public assistance persons and the general objective of this Act.

(3) (a) The Department of Economic Security shall contract with the State Department of Health for the purpose of carrying out all medical matters of the program for furnishing medical care to public assistance persons, including but not limited to the ascertainment of medical care costs, the ascertainment of, quantity, levels and standards of medical care furnished public assistance persons, but the Department of Economic Security shall retain all responsibility and supervision with respect to the ascertainment of the qualifications of public assistance recipients as defined by KRS Chapter 205, the certification of eligibility of all recipients and with all other fiscal matters relating to this Act.

(b) The contract authorized by this paragraph may, subject to regulations of the Department of Economic Security, make provision for the furnishing of medical care to public assistance persons by means of contracts of insurance for the extent of medical care to be furnished, the premiums to be paid from the fund created by this Act, or may provide for direct medical payment to the person or institution providing the medical care services pursuant to this act or regulations adopted pursuant to this act, or any combination of these two methods.

(4) The Department of Economic Security may adopt, amend or rescind such reasonable rules and regulations as will enable it to carry out the provisions of this Act, including qualification for the receipt of Federal funds and for cooperation with other state and Federal agencies.

Section 4. The Department of Health shall have the power to: (1) Employ such technical, professional and other personnel as may be necessary in determining the existence or need for medical services and the extent of the need for medical services in persons certified to the Department of Health by the Department of Economic Security as eligible for and receiving public assistance pursuant to Chapter 205 of the Kentucky Revised Statutes.

(2) Provide services in connection with the program of furnishing medical care and assistance to public assistance persons, conforming to the contract or agreement required in Section 6 of this Act, which service may pertain to either of the following or any combination of the following:

(a) Contracted hospital insurance for public assistance persons.

(b) Contracted surgical insurance for public assistance persons.

(c) Contracted medical insurance for public assistance persons.

(d) Direct medical payments to physicians on the behalf of public assistance persons.

(e) Direct medical payments to dentists on the behalf of public assistance persons.

(f) Direct medical payments to nurses on the behalf of public assistance persons.

(g) Direct medical payments to hospitals on the behalf of public assistance persons.

(h) Direct medical payments to nursing homes on the behalf of public assistance persons.

(i) Direct medical payments for any other phase of medical care provided by this Act.

(j) Contracted insurance for any other phase of medical care provided by this Act.

(3) To contract with the Department of Economic Security with respect to the carrying out of medical and associated functions by the Department of Health in connection with a program of medical care to public assistance persons administered and supervised by the Department of Economic Security.

(4) To establish a Division of Indigent Medical Care within the Department of Health to carry out the functions of the Department under this Act.

(5) To provide information and collect data for the Department of Economic Security and the Council with respect to the indigent medical care program created by this Act.

Section 5. (1) There is hereby created a trust and agency fund, to be known as the "Public Assistance Medical Care Fund" to be administered, supervised, operated and maintained by the Department of Economic Security and to be expended by the Department of Economic Security exclusively for providing medical care for public assistance persons pursuant to the provisions of this Act.

(2) The fund shall consist of: (a) All appropriations made by the state for the purposes of this Act, including such appropriations as may be made by the 1958 General Assembly for the fiscal year 1958-59 and 1959-60 to the Department of Health for an indigent medical care program which are hereby transferred to the fund.

(b) All funds made available by the Federal Government to the Commonwealth of Kentucky for medical care to dependent children, the blind, the needy, permanently and totally disabled, and to aged needy individuals as authorized in Title III, Public Law 880, 84th Congress.

(c) Such other funds from any course that may from time to time be made available for the purposes of this Act.

(3) All appropriations made by the state for the fiscal year 1958-59 shall not lapse but shall remain available for expenditures by the Department of Economic Security in the fiscal year 1959-60, consistent with the provisions of this Act.

Section 6. (1) There is hereby created a State Indigent Medical Care Advisory Council. The council shall consist of seven members. The Commissioner of Health and the Commissioner of the Department of Economic Security shall be ex-officio members, and shall be ex-officio chairman and secretary, respectively. The other five members of the council shall be appointed by the Governor and shall hold office for a term of four years and until their successors are appointed and qualify, except that the members appointed to fill the first vacancy occurring for a term beginning on July 1, 1958, shall be as follows: Two members shall be appointed for two years, two for three years, and one for four years, and the respective terms of the first members shall be designated by the Governor at the time of their appointment. Upon the expiration of the respective terms of the members first appointed, the term of each successor shall be four years or until his successor shall be appointed and qualify. No member of the council shall be a stockholder or have any financial interest in any hospital, nursing home, or related institution. One appointive member of the council shall be a physician licensed to practice medicine in Kentucky and shall be appointed from a list of three names submitted by the Kentucky State Medical Association. One member of the council shall be a dentist licensed to practice dentistry in Kentucky and shall be appointed from a list of three names submitted by the Kentucky State Dental Association. One member of the council shall be appointed from a list of three names submitted by the Kentucky Hospital Association. The other two appointive members shall be intelligent and discreet citizens residing within the Commonwealth, who are not members of professional groups which are recipients of medical payments.

(2) Each appointive member of the council shall serve without compensation but shall be entitled to reimbursement for his actual and necessary expenses in attending meetings.

(3) The council shall elect a vice-chairman from among its members at its first regular meeting in each fiscal year and may adopt rules and by-laws for its government. The council shall hold a meeting at least once every three months and such other special or regular meetings as may be desired. Four of the seven members shall constitute a quorum for the transaction of business.

(4) The council shall advise the Commissioner of Economic Security on the adoption and execution of policies, plans, budgets, programs, and rules and regulations relating to the administration of this Act.

(5) The council shall report in writing to the 1960 General Assembly on the operation of the indigent medical care program created by this Act, and shall at that time recommend any changes in existing legislation or any additional legislation which may be desirable or nec-

essary to carry out the legislative policy or intent in providing medical care to indigent persons residing in the Commonwealth of Kentucky.

Section 7. Any person who knowingly makes a false statement, or represents or knowingly fails to disclose a material fact or by impersonation or other fraudulent device obtains or attempts to obtain or aids or abets any person to obtain or attempt to obtain, any medical care benefits under the provisions of this Act shall be fined not less than ten dollars nor more than one hundred dollars, or imprisoned for not more than thirty days, or both. Each false statement, representation, failure, or violation, and each benefit payment made in reliance of such false statement, representation, failure or violation shall constitute a separate offense.

HB 113, AN ACT relating to livestock and poultry protection.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 258.355 of the Kentucky Revised Statutes is amended to read as follows:

Notwithstanding any of the provisions of this chapter, the Commonwealth of Kentucky shall not be liable for any loss, injury to or destruction of livestock, poultry, or any licensed dog, except as to claims arising after June 30, 1952, and then only to the extent that funds are available in the Livestock Fund for the payment of such claims.

(2) All claims made in accordance with this section for loss, injury to or destruction of livestock, poultry or licensed dog for the period preceding June 30, 1955 shall be paid not later than April 1, 1956 if there be sufficient monies available in the Livestock Fund for such payment. The provisions of subsection (2) of this section shall not be construed as affecting the rights of those persons who may have valid claims under this section but have not presented same for payment prior to April 1, 1955.

HB 171, AN ACT relating to the practice of optometry.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 320.280 of the Kentucky Revised Statutes is amended to read as follows:

(1) All optometrists desiring to continue practice shall annually, prior to March 1, secure from the secretary-treasurer of the board a renewal certificate upon the payment of a fee of not more than thirty dollars. Not later than February 15th of each year the secretary-treasurer shall notify by mail, all optometrists of the renewal date and

fee. Application for a renewal shall be upon such form as is prescribed by the board and the optometrist shall furnish the information required by such form.

(2) Failure of any optometrist to secure his renewal certificate within sixty days after March 1, shall constitute sufficient cause for the board to revoke his license.

HB 172, AN ACT relating to optometry.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 320.360 of the Kentucky Revised Statutes is amended to read as follows:

All fees imposed and collected under the provisions of this chapter shall be paid to the secretary-treasurer of the board for the use of the board, and shall be deposited in the State Treasury to the credit of an agency fund for the use of the board. The board may make such expenditures from the fund as may, in the opinion of the board, serve to further the purposes of KRS Chapter 320, including payment for professional services.

HB 195, AN ACT relating to purchase of vehicle, equipment, aircraft and personal liability insurance by the Commonwealth of Kentucky, its departments, agencies, boards or commissions.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Any state agency, as defined in Chapter 12 of the Kentucky Revised Statutes, may in its discretion, for the protection of the public and its employees, expend state funds to purchase policies of insurance of all kinds deemed advisable covering motor vehicles, motor vehicles with auxiliary equipment or self-propelled equipment or trailers and aircraft operated by employees of the state when in the conduct of state business. The Commissioner of Insurance, with the approval of the Commissioner of Finance shall determine by regulation or otherwise the policy limits that shall be applicable to each such affected agency.

Section 2. Suits involving such policies may be maintained against the Commonwealth, its agencies or employees only for the purpose of obtaining a judgment which, when final, shall measure the liability of the insurance carrier to the injured party for whose benefit the insurance policy was issued, but not to be enforced or collectible against the Commonwealth or any such agency.

Section 3. This Act shall not be construed to be a waiver of sovereign immunity from suit for the tortious acts by the Commonwealth through its employees and agents.

Section 4. Policies authorized by this Act shall be purchased only from insurers authorized to do business in this state and shall be countersigned by a licensed resident agent.

HB 214, AN ACT relating to boat regulations.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act, unless the context requires otherwise:

(1) "Person" means any individual, firm, corporation, partnership, association, or company or any representative thereof;

(2) "Boat" means any boat, vessel, sailboat, canoe, rowboat, raft, or other craft not over forty feet long capable of moving on the water;

(3) "Motorboat" means any boat propelled in whole or part by machinery including boats temporarily equipped with detachable motors;

(4) "Department" means the Department of Fish and Wildlife Resources.

Section 2. The department shall regulate the operation of boats. It shall promulgate administrative regulations prescribing;

(1) Standards of operation of boats, with the purpose of preventing injury to persons and property;

(2) Permissible weight and passenger limits for classes of boats;

(3) Permissible maximum motor size for classes of boats;

(4) Standards for determining the suitability of structure of classes of boats for the service in which they are employed;

(5) The manner in which water parades, regattas, and water skiing shall be conducted and supervised.

Section 3. No person shall own or operate a motorboat that has not been licensed and registered. The department shall administer licensing and registration, being guided by the following standards:

(1) Annual license fees shall be:

(a) Owners of one motorboat, one dollar and twenty-five cents;

(b) Owners of more than one, but not more than fifteen motorboats, a total of five dollars and twenty-five cents;

(c) Owners of more than fifteen, but not more than thirty motorboats, a total of ten dollars and twenty-five cents;

(d) Owners of more than thirty motorboats, a total of twenty-five dollars;

(2) Licenses and registration numbers shall be issued through county clerks;

(3) A motorboat that previously has been assigned a coast guard registration number shall be given the same registration number;

(4) A person who operates a motorboat shall be required to possess the license, except in cases where this requirement would create a serious inconvenience in running a boat-rent business.

(5) Each motorboat shall display its registration number.

Section 4. (1) Any officer or employe of the department shall have the right at any time to stop or board and inspect any boat covered by this Act to ascertain whether such boat complies with the requirements of this Act and regulations of the department. He may make arrests for violations.

(2) Peace officers shall enforce this Act, and shall make prompt investigation of all reports of violations of this Act or regulations of the department, and make arrests when violations are found.

Section 5. (1) All license fees collected under this Act shall be payable to the State Treasurer on the first of each month after the clerk has deducted therefrom a fee of twenty-five cents for each license issued. License fees shall be credited to the Game and Fish Fund.

(2) County and Commonwealth's attorneys shall enforce the provisions of this Act as set forth in KRS 150.130, and fines shall be disposed of in the manner specified in KRS 150.160.

Section 6. Any person who, by negligent operation of a motorboat, causes the death of another, under circumstances not otherwise punishable as a homicide, shall be fined not less than five hundred dollars or imprisoned not less than one year nor more than three years.

Section 7. (1) Any person who violates Section 4 of this Act or regulations of the department promulgated under Section 4 of this Act shall be fined not less than twenty-five dollars nor more than one hundred dollars.

(2) Any person except persons enforcing provisions of this Act possessing without permission a boat belonging to another shall be fined not less than five hundred dollars or imprisoned not less than one year nor more than three years.

(3) Any person who violates any other provision of this Act or regulation of the department promulgated under this Act shall be fined not less than twenty-five dollars nor more than two hundred dollars and may be refused by the court the right of operating any motorboat on the waters of the Commonwealth for a period of not less than six months nor more than one year.

HB 265, AN ACT relating to stockyards.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

When the owner or operator of any licensed stockyards in this state shall be required by law or shall have any reason to utilize the services of a veterinarian, the said veterinarian shall be chosen by the owner or operator of the stockyards, and may be relieved of his duties at the pleasure of the owner or operator. Any veterinarian so employed shall be properly qualified and licensed to do business in this state.

HB 368, AN ACT relating to suspension of motor vehicle licenses and registration.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 187.420 of the Kentucky Revised Statutes is amended to read as follows:

Such license, registration and non-resident's operating privilege shall, except as provided in Kentucky Revised Statutes 187.440, remain so suspended and shall not be renewed, nor shall any such license or registration be thereafter issued in the name of such person, including any such person not previously licensed, until four years next after entry of every such judgment and until such person gives proof of financial responsibility for the future, unless, in the meantime, such judgment is stayed, satisfied or discharged.

HB 373, AN ACT relating to liability insurance for state motor vehicle operators.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) The Department of Highways shall procure liability insurance for all its employes whose duty it is to operate publicly owned motor vehicles. The policy shall cover employes while on duty for the Department of Highways and in actual control or operation of a vehicle owned by the department. Such policy shall be issued by an approved company licensed to do business in the state, and the premiums thereon shall be paid by the Department of Highways.

(2) Suits instituted on such policies may be maintained against the Department of Highways only for the purpose of obtaining a judgment which when final shall measure the liability of the insurance carrier to the injured party for whose benefit the insurance policy was issued, but not to be enforced or collectible against the Commonwealth, or the Department of Highways.

HR 51, A CONCURRENT RESOLUTION requesting and petitioning the United States Interstate Commerce Commission to re-establish the standards of time for Kentucky.

WHEREAS, the various counties and cities of the Commonwealth of Kentucky have been observing different standards of time, some remaining on standard time, and others using daylight saving time, resulting in confusion and disagreement;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the Commonwealth of Kentucky, the Senate concurring therein:

Section 1. That the Interstate Commerce Commission of the United States be and is hereby memorialized and requested to re-establish the Kentucky portion of boundary between the Eastern and Central Time Zones so as to place in the Eastern Time Zone the following counties of the Commonwealth: Bath, Bell, Boone, Bourbon, Boyd, Bracken, Breathitt, Campbell, Carroll, Carter, Clark, Clay, Elliott, Estill, Fayette, Fleming, Floyd, Franklin, Gallatin, Garrard, Grant, Greenup, Harlan, Harrison, Henry, Jackson, Jefferson, Jessamine, Johnson, Kenton, Knott, Knox, Laurel, Lawrence, Lee, Leslie, Letcher, Lewis, Lincoln, McCreary, Madison, Magoffin, Martin, Mason, Menifee, Montgomery, Morgan, Nicholas, Oldham, Owen, Owsley, Pendleton, Perry, Pike, Powell, Pulaski, Robertson, Rockcastle, Rowan, Scott, Trimble, Wayne, Whitley, Wolfe, Woodford; and so as to leave all other counties in the Central Time Zone.

The Committee on Ways and Means reported **HB 331** with the expression of opinion that the same should pass with committee amendment. Read at length for the first time and ordered placed in the Calendar.

HB 331, AN ACT relating to Johnson grass.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. (1) Every person in possession of land on which any Johnson grass is growing shall destroy it so as to prevent it from going to seed and its seed from ripening.

(2) If any person possessing land on which Johnson grass is growing and likely to ripen seed neglects or refuses to cut it, any person who considers himself aggrieved or about to be injured may give five day's notice in writing to such person to cut or destroy the Johnson grass. Upon failure to comply with such notice, the aggrieved person or his agent may enter upon the land and destroy the Johnson grass, without incurring liability for ordinary trespass. Any person so acting, may recover from the person who possesses the land reasonable compensation for the services performed.

(3) Any person who knowingly neglects or refuses to comply with the provisions of this Act shall be fined not less than ten dollars.

Committee Amendment:

Amend printed copy of **HB 331** on page 1, section 1, lines 6 and 7 by striking lines 6 and 7 and substituting in lieu thereof the following:

' it, any landowner who is likely to be injured may give fifteen days' notice in writing to such person

Calendar

HB 477, HB 130, HB 413, HB 228, HB 307, HB 326, HB 399, HB 135, HB 357, HB 327, SB 17, HB 230, SB 94, HB 409, HB 177, HB 186, HB 245, HB 253, HB 302, HB 342, HB 350, HB 351, HB 352, HB 353, SB 37, SB 49, SB 81, HR 80, HR 75, HR 57, SR 20, HR 31, HR 58, HR 18, SR 8, HB 322, HB 323, HB 154, HB 87, HB 38, SB 31, SB 27 read at length for the second time. Ordered placed in Orders of the Day.

Introductions

The following Bills and Resolutions were introduced:

HB 511, by Representatives Sowards, Dempsey, Hall, Coffey, Peace, Brown, P. W. Cornett, Kincer, Whitehead, Duff, C. R. Reynolds, Buchanan, Buckner, Wilson, Burress, H. Nick Johnson, R. Reynolds, Qualls, Greene, Kubale, Chaudoin, W. F. Davis, AN ACT proposing an amendment to the Constitution of the Commonwealth of Kentucky.

HB 512, by Representative Stith, AN ACT relating to game and fish.

HB 513, by Representatives Peace, C. R. Reynolds, P. W. Cornett, Burress, Coffey, Gay, Hall, Bach, Sowards, Buchanan, McGuire, Dempsey, Brown, AN ACT relating to jurors.

HB 514, by Representative Williams, AN ACT relating to referendum on the state income tax.

HR 515, by Representatives Coffey, Willen, AN ACT relating to certification of teachers.

HB 516, by Representative Coffey, AN ACT relating to teachers.

HB 517, by Representative Isler, AN ACT relating to watchmaking.

HB 518, by Representative Hinkle, AN ACT relating to jurisdiction of constables.

HB 519, by Representative Bill Cornett, AN ACT relating to medical assistance for indigent persons.

HB 520, by Representative Casey, AN ACT relating to notaries public.

HB 521, by Representatives Breckinridge, Weintraub, Burke, M. W. Cook, Buchanan, Hislope, AN ACT proposing an amendment to the Constitution of Kentucky relating to the organization and government of cities of the first, second and third class.

HB 522, by Representative Bush, AN ACT relating to city officers.

HB 523, by Representative Everett, AN ACT relating to revenue and taxation.

HB 524, by Representative Everett, AN ACT relating to revenue and taxation.

HB 525, by Representatives Buchanan, Buckner, Duff, H. Nick Johnson, Qualls, Greene, AN ACT relating to taxation.

HB 526, by Representative Everett, AN ACT relating to incompatible positions.

HB 527, by Representative Everett, AN ACT relating to juvenile court.

HB 528, by Representative Everett, AN ACT relating to juvenile court.

HB 529, by Representative Everett, AN ACT relating to witness fees.

HB 530, by Representative Richards, AN ACT relating to deeds by Master Commissioners.

HB 531, by Representative Mackey, AN ACT relating to legal holidays.

HB 532, by Representatives Ratcliffe, Buckner, Stith, Finney, Reed, Young, Newberry, Rayburn, Henry, AN ACT relating to county and community fairs, amending Section 247.220 and repealing Section 247.230 of the Kentucky Revised Statutes and making an appropriation.

HB 533, by Representatives Dempsey, Brown, AN ACT relating to communications.

HB 534, by Representatives Newberry, P. F. Davis, Buckner, Brown, Dempsey, Bartley, Whitehead, McReynolds, Wirsch, Sowards, Hodges, Buchanan, Coffey, P. W. Cornett, Peace, Rayburn, Qualls, Duff, H. Nick Johnson, AN ACT relating to transmission of natural gas.

HB 535, by Representative Everett, AN ACT relating to interstate agreement on handling of persons on parole and probation.

HR 86, by Representative Stith, A JOINT RESOLUTION authorizing civil action against the Commonwealth of Kentucky in the interest of David C. Walls.

Representative Young moved that the House adjourn until 8:00 p.m., Monday, March 3. Agreed.

MONDAY, MARCH 3, 1958

FORTY-FOURTH LEGISLATIVE DAY

The House was called to order by the Speaker, Mr. Weintraub.

Invocation by the Reverend Robert J. Laughlin, of the First Presbyterian Church, of Frankfort.

The roll was called. All members present except Baumgardner, Casey, Bill Cornett, Ford, Gay, Hale, Huston Johnson, McCallum, Miller, Nunn.

Representative Chaudoin moved that absent members be granted leaves of absence. Agreed.

Representative Isler moved that reading of the Journal for February 27 be dispensed with and the same approved. Agreed.

Senate Message

Senate message announcing passage of **SB 9, SB 47, SB 65, SB 80, SB 88, SB 116, SB 120, SB 149, SB 153, SB 163, SB 166, SB 181, SB 189, SB 191, SB 192, SB 193, SB 195, SB 209, SB 220, SB 169, SR 36, SR 40, SR 53, HB 35** with Senate Amendment, **HB 90, HB 93, HB 157.**

The Speaker of the House announced the following Representatives as the Rules Committee of the House:

Weintraub, Morris, Chairman

Bach, Edward E.
Bartley, Wallace
Billington, Owen
Brown, Archie
Buchanan, Charles W.
Burress, Ben
Bush, A. F.
Casey, D. C., Jr.
Chaudoin, Otis R.
Clore, John Alves
Combs, T. Fowler
Cook, Everett E.
Cornett, Paul W.
Cottengim, Vernor O.
Davis, Walter F.
Dempsey, Albert
Duff, Chester
Everett, Addison L.
Fields, Finnell L.
Finney, Orville F.
Fitzpatrick, Thomas P.
Greene, John W.
Gullette, Robert L.
Hahn, James P.
Hale, Sam
Hart, Charles H.
Howard, Durham W.
Isler, John J.
Johnson, H. Nick
Kincer, Hillard
Kubale, Edwin, Jr.
McGuire, R. C., Jr.
McReynolds, Willie
Mackey, True
Newberry, James H.
Peace, Warren
Qualls, Roger E.
Ratcliffe, Paul T.
Rayburn, Hobart
Reed, Vernon
Render, Wayland
Reynolds, Carl R.
Reynolds, Russell
Richards, C. J.
Smith, Dr. W. J.
Sowards, Jack E.

Stith, Ralph O.
Thomas, Ed
Thomas, Stanley R.
Tinsley, Rev. T. Herbert
Wathen, Will Tom
Whitehead, Murphy
Willen, Claude R.
Wilson, Emery
Wirsch, Charles W.
Young, Paul E.

Introductions

Representative Hale moved the adoption of **HR 92.** Adopted.

HR 92, by Representatives Hale, McGuire, A RESOLUTION conveying to the people of Prestonsburg and Floyd County the condolences of the House of Representatives of the Commonwealth of Kentucky.

WHEREAS, on Friday the 28th of February, 1958 a shocking and numbing disaster was visited upon the people of Prestonsburg and Floyd County when a school bus occupied by forty-seven persons collided with another vehicle, caromed off a third over an embankment into the flooding Big Sandy River taking the lives of twenty-seven of those aboard;

WHEREAS, the loss of life is made more appalling by the fact that twenty-six of those who died were children of teen age or younger who though they had enjoyed the magic and wonder of the world of the very young, are to be denied forever the further joy, satisfaction and sorrow which the passing years provide for those fortunate enough to be granted the gift of extended life;

WHEREAS, those whose lives were so abruptly snuffed out represent a potential loss in leadership to the community, county, state and nation which at this very critical period in our history can ill be afforded;

WHEREAS, however, considerations of personal grief and bereavement brought upon the families of those who were lost overshadow, at least for the present, all others including the implication involved in their loss to the citizenry at large;

WHEREAS, this disaster has caused a scar upon the heart of every Kentuckian and has touched that of every citizen of the nation; and

WHEREAS, it is the desire of this body, as representatives of all the people of the Commonwealth to convey by appropriate expression their collective sympathy;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the House of Representatives of the Commonwealth of Kentucky does hereby extend to the people of Prestonsburg and Floyd County and particularly to the parents and families of those children who died as a result of this tragedy its deep and abiding sympathy.

Section 2. That when the House of Representatives does adjourn on Monday, March 3, 1958, it do so in memory of those who were the victims of this untimely and unfortunate accident and out of respect to those who must bear the pain and irreplaceable loss.

Representative Hinkle moved the adoption of **HR 93.** Adopted.

HR 93, by Representative Hinkle, A RESOLUTION congratulating the Central Baptist Hospital of Lexington, Kentucky, and its staff for the excellent services rendered to Representative Finnell L. Fields.

WHEREAS, the Honorable Finnell L. Fields, Representative of the Sixty-Fourth Legislative District, Bracken and Pendleton Counties, Kentucky, was stricken with a coronary insufficiency attack on January 30, 1958, and was rushed to the Central Baptist Hospital, Lexington, Kentucky,

WHEREAS, the rapid recovery of the said Finnell L. Fields from his recent illness was due in no small measure to the unsurpassed skill of the attending physicians, Doctors Sirkle and Moosnick, and in addition to the high degree of care accorded by the hospital staff,

WHEREAS, the coordinated efforts of the aforenamed doctors and the staff of the Central Baptist Hospital were in the highest tradition of the medical profession,

NOW, THEREFORE,

Be it resolved by the House of Representatives of the Commonwealth of Kentucky:

Section 1. That the commendation of the House of Representatives of the Commonwealth of Kentucky be and is hereby extended to Doctor Sirkle and Doctor Moosnick, for the high degree of professional skill which the said physicians exhibited in the treatment of the Honorable Finnell L. Fields.

Section 2. That the commendation of the House of Representatives of the Commonwealth of Kentucky be and is further extended to the staff of the Central Baptist Hospital, Lexington, Kentucky, for the excellence of care accorded to the Honorable Finnell L. Fields.

Section 3. That the Clerk of the House of Representatives of the Commonwealth of Kentucky forward to the above named doctors and the chief administrative officer of the Central Baptist Hospital, Lexington, Kentucky, copies of this resolution.

Representative Duff moved the adoption of **HR 90.** Adopted.

HR 90, by Representatives Duff, Dempsey, A CONCURRENT

RESOLUTION relating to old age assistance.

WHEREAS, the present unsettled economic condition of the country is causing deep hardships to a great proportion of our population;

WHEREAS, the older group of citizens are the first to be relieved of work in times of unemployment;

WHEREAS, these older persons also depend upon their sons and daughters to a large degree for subsistence, and these younger persons are also losing employment;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the Commonwealth of Kentucky, the Senate concurring therein:

Section 1. That the Congress of the United States is urged to act in the exercise of its legislative powers to provide greater assistance to our aged needy persons by reducing from sixty-five years to sixty years the limit of age in the old age assistance laws.

Section 2. That the Clerk of the Senate be and is hereby directed to send copies of this memorial, duly authenticated, to the President of the Senate of the United States, the Speaker of the House of Representatives of the United States, to each of the Senators and Representatives from Kentucky in Congress, and to the Secretary of Health, Education and Welfare.

Representative Burress moved the adoption of **HR 91.** Adopted.

HR 91, by Representatives Burress, Raybourne, Buckner, Hodges, Render, Wirsch, P. W. Cornett, Coffey, Peace, Gay, C. R. Reynolds, Newberry, Lyon, Ford, Qualls, Brown, Dempsey, H. Nick Johnson, A CONCURRENT RESOLUTION requesting the Kentucky Historical Society to erect a bronze plaque or marker at Greensburg Courthouse.

WHEREAS, it is the policy of the General Assembly to recognize and perpetuate the historical shrines of Kentucky;

WHEREAS, the courthouse at Greensburg, Kentucky is an honored shrine as the first courthouse in the United States west of the Allegheny Mountains;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the Commonwealth of Kentucky, the Senate concurring therein:

That the Kentucky Historical Society be requested to erect a bronze plaque or marker at or on the courthouse in Greensburg, Kentucky, as a memorial to the fact that it is the oldest courthouse west of the Allegheny Mountains.

Motions

Representative Buchanan moved that **HB 154** be made a Special Order for 2:00 p.m., March 4. Agreed.

Introductions

Representative Kingsbury moved the adoption of **HR 88.** Adopted.

HR 88, by Representatives Kingsbury, Fitzpatrick, Isler, Cottengim, Weintraub, A RESOLUTION in honor of Honorable James E. Quill.

WHEREAS, the General Assembly has received the sad news of the death of Honorable James E. Quill on Friday, February 28, 1958, and

WHEREAS, the said James E. Quill has reflected great honor on the state of Kentucky by virtue of his distinguished public service and his exemplary private life, in the following manner:

Member and former president, Kenton County Bar Association
Member, State Bar Association
Justice of the Peace, Kenton County, 1939-1941
Member of House in General Assembly, 1942-1945, House Democratic Floor Leader, 1944-1945
Kenton County Attorney, 1946-1948
Commonwealth Attorney, from 1948 to his death
Former president, Kentucky Commonwealth's Attorneys Association
Organizer, Democratic Club of Kenton County
Member, Knights of Columbus, Fourth Degree, and
Especially active in all polio drives and in all civic affairs.

He is survived by his wife, Mrs. Mary Lyons Quill, 111 Ridgemont Avenue, South Hills, and three children, Rev. James Quill, Assistant Pastor, Holy Cross Church, Latonia; Kevin Quill and Sally Quill, at home; a brother, Dr. Lawrence Quill, surgeon of Newport; and a sister, Mrs. Ann Quill Niederlander, an attorney of St. Louis, Missouri,

WHEREAS, it is the desire of this house to express its grief and sympathy for his survivors;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

That the House of Representatives extends its sympathy and condolences to the wife and other survivors of James E. Quill; that this Resolution be spread on the records of the House of Representatives; and that when the House of Representatives adjourns today, it does so in honor of Honorable James E. Quill.

Motions

Representative Breckinridge moved to Amend House Rules as follows:

Amend printed copy of RULES AND COMMITTEES OF REPRESENTATIVES KENTUCKY GENERAL ASSEMBLY SESSION 1958 on page 15, 16, 17 by striking all after "Rule 35" and substituting in lieu thereof the following:

If and when the time be fixed for the sine die adjournment of the session of the General Assembly, the last fifteen legislative days shall be held and construed to mean the last fifteen legislative days next prior to the time so fixed. If the resolution be adopted for sine die adjournment within fifteen days of the time fixed for such adjournment, then all bills and resolutions pending shall be placed on the Calendar in the order in which they have been placed thereon by the Committee of the Whole, following the bills and resolutions which at such time have already been placed upon the Calendar or in the Orders of the Day, and no bill or resolution shall be thereafter referred to any standing committee of the House nor shall any standing committee of the House meet thereafter.

If the resolution be adopted for sine die adjournment within fifteen days of the time fixed for such adjournment, then bills and resolutions placed on the Calendar as provided herein may be called up out of order upon a majority vote of the members of the House of Representatives, a quorum being present and sitting as a Committee of the Whole. The Speaker of the House shall serve as Chairman of the Committee.

On roll call, on amendment; the vote was: Yeas, 13—Arnold, Barton, Breckinridge, Burke, M. W. Cook, Hall, Hislope, Lyon, Tanner, Ray, Searcy, Wells, Williams; Nays, 62—Anderson, Bach, Bartley, Billington, Brown, Buchanan, Buckner, Burress, Bush, Chaudoin, Clore, Coffey, Combs, E. E. Cook, P. W. Cornett, Cottengim, Crecelius, W. F. Davis, Dempsey, Duff, Everett, Farmer, Fields, Finney, Fitzpatrick, Greene, Gullette, Hahn, Haley, Hart, Henry, Hinkle, Hodges, Howard, Isler, H. N. Johnson, Kincer, Kubale, Lovelace, McGuire, McReynolds, Mackey, Newberry, Parrish, Peace, Qualls, Ratcliffe, Rayburn, Reed, Render, C. R. Reynolds, R. Reynolds, Richards, Smith, Sowards, Stith, Tinsley, Ed Thomas, S. R. Thomas, Willen, Wilson, Wirsch.

Amendment rejected.

Introductions

Representative Sowards moved the adoption of **HR 89.** Adopted.

HR 89, by Representative Sowards, A JOINT RESOLUTION authorizing and directing a continuing study and evaluation of the common school system of the Commonwealth.

WHEREAS, the Minimum Foundation Law enacted in 1954, as implemented and more fully financed by the 1956 General Assembly, is designed to improve the common school system of the Commonwealth, not only with respect to compensation of teachers, physical structures, equipment, quantity and quality of pupil transportation vehicles, but more importantly in providing future citizens and leaders with progressively better educational opportunities;

WHEREAS, many compelling reasons involving among others matters of economics, social welfare and, probably the most compelling of any, national security make it mandatory that the rate of improvement not only continue uninterruptedly, but that it be accelerated;

WHEREAS, it appears that a continuing study evaluating the accomplishments of the system and identifying those policies and practices which are contributing and those which are not contributing to the desired end will be of invaluable aid in determining future action of the General Assembly in its efforts to provide ways and means of increasing educational opportunities and efficiency;

WHEREAS, the expenditures of $60,105,700 for 1958-1959 and $62,481,300 for 1959-1960 is contemplated, which sums represent an increase of eighty-four percent over the 1954-1956 biennium, it is imperative in the interests of economy and efficiency that such a continuing evaluation be made; and

WHEREAS, the magnitude and scope of such appraisal make it necessary for the Legislative Research Commission to employ additional personnel in order that it may be accomplished promptly and in an impartial, thorough, and painstaking manner;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Legislative Research Commission be, and is, hereby authorized and directed to make a continuing and comprehensive study of the common school system, evaluating the accomplishments of the minimum foundation program and continuously reappraising the system in terms of funds expended, opportunities offered, and results obtained.

Section 2. That the Department of Finance and Education and the local school districts be, and are, hereby directed to extend to the Legislative Research Commission their full and complete cooperation by supplying any required records, statistics, materials, and reports and in any other particular in which the study may be implemented.

Section 3. That the Legislative Research Commission be, and is, hereby authorized to employ such additional personnel, qualified and experienced in the field of educational research, as it may deem necessary to perform the directed evaluation.

Section 4. That the periodic reports on the results of the study be submitted to the members of the General Assembly at such time as results warrant, but in any event a report shall be prepared for each regular session of the General Assembly.

Motions

Representative McGuire moved that the rules be suspended to permit **SB 19** to be taken from Orders of the Day and placed on passage.

On roll call for suspension of the rules, the vote was: Yeas, 38— Bach, Bartley, Brown, Buchanan, Buckner, Burress, Bush, Chaudoin, P. W. Cornett, Cottengim, W. F. Davis, Dempsey, Duff, Finney, Fitzpatrick, Greene, Hall, Hodges, Isler, H. N. Johnson, Kingsbury, Lovelace, Lowman, McGuire, McReynolds, Mackey, Peace, Qualls, Render, Sowards, Steiger, Tanner, Ed Thomas, S. R. Thomas, Walsh, Wilson, Wirsch, Young; Nays, 13— Arnold, Breckinridge, Burke, M. W. Cook, Crecelius, Haley, Huddleston, Lyon, Searcy, Smith, Wells, Williams, Ockerman.

Motion rejected.

Introductions

The following Bills and Resolutions were introduced:

HR 87, by Representative Stith, A CONCURRENT RESOLUTION requesting and petitioning the United States Soil Conservation Service and the Federal Bureau of Public Roads to institute a study relative to the utilization of highway fills for water impoundment along highways.

HB 536, by Representative McGuire, AN ACT relating to junior colleges.

HB 537, by Representative Coffey, AN ACT relating to naturopathy.

HB 538, by Representative Barton, AN ACT relating to public schools.

HB 539, by Representative Barton, AN ACT relating to stenographers for county attorneys.

HB 540, by Representative Duff, AN ACT relating to the defense of contributory negligence in actions for injury to persons or property or for wrongful death.

HB 541, by Representative Buchanan, AN ACT relating to cities of the second class operating under the city manager form of government.

HB 542, by Representatives Weintraub, Wathen, AN ACT relating to the Public Service Commission.

HB 543, by Representative Reed, AN ACT relating to Unfair Trade Practices.

HB 544, by Representative Searcy, AN ACT relating to taxation.

HB 545, by Representative Everett, AN ACT relating to the powers of state police within cities, repealing KRS 16.120.

HB 546, by Representative Everett, AN ACT relating to motor vehicles.

HB 547, by Representative Everett, AN ACT relating to state depository banks.

HB 548, by Representative Everett, AN ACT relating to school buses.

HB 549, by Representatives Williams, Lyon, Wells, Burke, Isler, Huddleston, Gullette, AN ACT prohibiting solicitation of legal business with expectation of pecuniary reward therefor, and providing penalty for same.

HB 550, by Representative Everett, AN ACT relating to municipalities and public utility facilities therein.

HB 551, by Representative Bush, AN ACT relating to fraudulent practices.

HB 552, by Representatives E. E. Cook, McGuire, AN ACT relating to barbers and beauticians.

HB 553, by Representative Moore, AN ACT relating to libel and slander.

HB 554, by Representative Newberry, AN ACT relating to peace officers.

HB 555, by Representative Reed, AN ACT relating to Commonwealth's Attorneys.

HB 556, by Representative Wathen, AN ACT creating a horticultural commission.

HB 557, by Representative Buchanan, AN ACT relating to the purchase of liability insurance by boards of education.

Reference of Bills and Resolutions

Speaker Weintraub announced the referral of the following Bills and Resolutions:

Agriculture and Conservation: **HB 512, HB 532, HB 556.**

Appropriations and Revenues: **HB 510, HB 513, HB 523, HB 529, HB 544.**

Banking and Insurance: **HB 547.**

Claims: **HR 82, HR 83, HR 86.**

Education: **HB 515, HB 516, HB 536, HB 538, HB 557.**

Health and Welfare: **HB 509, HB 519, HB 525, HB 527, HB 535, HB 537, HB 543.**

Judiciary, Executive and Legislative Affairs: **HB 508, HB 518, HB 520, HB 528, HB 530, HB 540, HB 549, HB 551, HB 553, HB 555.**

Labor and Industry: **HB 517, HB 533, HB 552.**

Municipal and County Government: **HB 524, HB 534, HB 539,**

HB 541, HB 545.

Public Utilities: **HB 542, HB 550.**

Suffrage, Elections and Constitutional Amendments: **HB 522.**

Transportation and Highways: **HB 546, HB 548, HB 554.**

Ways and Means: **HB 511, HB 514, HB 521, HB 526, HB 531.**

Calendar

HB 95, HB 97, HB 115, HB 181, HB 507, HB 212, HB 397, HB 417, HB 426, HB 427, HB 226, HB 328, HB 370, HB 406, HB 479, HB 480, HR 74, HB 358, HB 262, HR 72, HB 412, HB 500, HR 76, HB 383, HB 498, HB 440, HR 33, HB 461, HB 340, HB 387, HB 20, HB 274, HB 464, HB 331, HB 131, HB 132, HB 362, HB 22, HB 84, HB 113, HB 171, HB 172, HB 195, HB 214, HB 265, HB 368, HB 373, HR 51 were read at length for the second time. Ordered placed in the Orders of the Day.

Orders of the Day

HB 120 taken from Orders of the Day. Representative Paul F. Davis moved that it be read for the third time and placed on passage. Agreed.

Representative Paul Davis moved to amend **HB 120** as follows:

Amend printed copy of **HB 120** on page 1, line 1 by striking the word "shall" and inserting in lieu thereof the following: "may"

Adopted.

Representative Paul Davis moved to amend **HB 120** as follows:

Amend printed copy of **HB 120** on page 2, line 4 by striking the word "shall" and substituting in lieu thereof the following: "may"

Adopted.

Representative Whitehead moved to amend **HB 120** as follows:

Amend printed copy of **HB 120** by adding thereto the following:

"That a State College should and may be constructed at Mt. Vernon, in the County of Rockcastle, in the Commonwealth of Kentucky in order that its children might also have the benefits arising out of an education at home."

Adopted.

Representative Whitehead moved to amend **HB 120** as follows:

Amend printed copy of **HB 120** on page 1, to strike the entire "WHEREAS CLAUSE" paragraph on page 1 of the printed bill.

Rejected.

Representative Whitehead moved to amend **HB 120** as follows:

TITLE AMENDMENT

Amend printed copy of **HB 120** to amend the title of **HB 120** by striking the "period" at the end thereof and adding the following words: "and Rockcastle County."

Adopted.

HB 120 as amended read for the third time.

On roll call, the vote was: Yeas, 54—Arnold, Bach, Brown, Buchanan, Buckner, Burke, Chaudoin, Clore, Coffey, P. W. Cornett, Crecelius, P. F. Davis, Dempsey, Duff, Farmer, Finney, Greene, Haley, Hall, Hinkle, Hodges, Hopkins, Howard, H. N. Johnson, Kincer, Lovelace, Lyon, McGuire, McReynolds, Mackey, Moore, Peace, Ratcliffe, Rausch, Ray, Raybourne, Rayburn, Reed, Render, Searcy, Smith, Sowards, Steiger, Stith, Tinsley, Ed Thomas, S. R. Thomas, Walsh, Wells, Whitehead, Williams, Wilson, Wirsch, Young; Nays, 2—Breckinridge, Henry.

HB 120 as amended was passed and the title agreed to.

Representative Stith moved that the House concur in Senate Amendment of **HB 35.**

On roll call for concurring, the vote was: Yeas, 58—Arnold, Bach, Bartley, Barton, Billington, Brown, Buchanan, Burress, Bush, Chaudoin, Clore, Coffey, Combs, E. E. Cook, P. W. Cornett, W. F. Davis, Dempsey, Everett, Finney, Fitzpatrick, Greene, Gullette, Hahn, Haley, Hart, Henry, Hinkle, Hopkins, Howard, Kincer, Kubale, Lovelace, Lyon, McGuire, McReynolds, Mackey, Newberry, Parrish, Peace, Ratcliffe, Raybourne, Render, C. R. Reynolds, R. Reynolds, Smith, Sowards, Stith, Tanner, Tinsley, S. R. Thomas, Wathen, Wells, Whitehead, Willen, Williams, Wilson, Wirsch, Young; Nays, 13—Breckinridge, Burke, M. W. Cook, Crecelius, Farmer, Huddleston, Ockerman, Qualls, Rausch, Ray, Rayburn, Steiger, Walsh.

House concurred.

Senate amendment reads as follows:

The Senate has amended **HB 35** to read as follows on page 2, section 2, line 5 by adding immediately thereafter the following:

Section 3. No county, city, town, municipal corporation, agency or instrumentality of the Commonwealth shall employ any time or adopt any ordinance, resolution or order providing for the use of any time other than that specified in KRS 2.160.

Section 4. The Commissioner of Finance shall not draw any warrant upon the State Treasury for the payment of Commonwealth funds to any county, city, town, municipal corporation, agency or instrumentality of the Commonwealth which uses or employs any time or which has adopted or hereafter adopts any ordinances, resolutions or order providing for the use of any time other than that specified in KRS 2.160.

Representative Stith moved for concurrence with Senate Title Amendment.

House concurred.

Title Amendment reads as follows:

Title Amendment

The Senate has also amended the Title of **HB 35** to read as follows:

"An Act relating to the standard of time and to be known as the Stith-Hamilton Act."

The Senate asks the concurrence of this honorable body.

HB 102 taken from Orders of the Day. Representative Everett moved that it be read for the third time and placed on passage. Agreed.

HB 102 read at length for the third time.

On roll call, the vote was: Yeas, 73—Anderson, Arnold, Bach, Bartley, Barton, Billington, Breckinridge, Brown, Buchanan, Burress, Bush, Chaudoin, Clore, Coffey, Combs, E. E. Cook, P. W. Cornett, Crecelius, P. F. Davis, W. F. Davis, Duff, Everett, Farmer, Fields, Finney, Fitzpatrick, Greene, Gullette, Hahn, Haley, Hall, Hart, Henry, Hinkle, Hislope, Hodges, Hopkins, Howard, Isler, H. N. Johnson, Kingsbury, Kubale, Lovelace, Lyon, McGuire, McReynolds, Mackey, Moore, Newberry, Parrish, Peace, Qualls, Ratcliffe, Raybourne, Rayburn, Reed, Render, C. R. Reynolds, R. Reynolds, Searcy, Smith, Stieger, Stith, Tinsley, S. R. Thomas, Walsh, Wells, Whitehead, Willen, Williams, Wilson, Wirsch, Young; Nays, 0.

HB 102 was passed and the title agreed to.

HB 103 taken from Orders of the Day. Representative Everett moved that it be read for the third time by title only and placed on passage. Agreed.

HB 103 read for the third time.

On roll call, the vote was: Yeas, 48—Arnold, Bach, Barton, Billington, Buchanan, Buckner, Burke, Burress, Bush, Chaudoin, Clore, Coffey, Combs, Crecelius, P. F. Davis, W. F. Davis, Fields, Finney, Fitzpatrick, Gullette, Hahn, Henry, Hinkle, Hopkins, Howard, Huddleston, Isler, H. N. Johnson, Kubale, McGuire, McReynolds, Mackey, Newberry, Parrish, Qualls, Ratcliffe, Raybourne, C. R. Reynolds, R. Reynolds, Steiger, Stith, Tanner, Tinsley, S. R. Thomas, Walsh, Willen, Wilson, Young; Nays, 13—Anderson, Breckinridge, M. W. Cook, Farmer, Greene, Haley, Lovelace, Ockerman, Ray, Rayburn, Searcy, Smith, Wells.

HB 103 was passed and the title agreed to.

HB 104 taken from Orders of the Day. Representative Everett moved that it be read for the third time by title only and placed on passage. Agreed.

HB 104 with Committee Amendment read for the third time.

Committee Amendment reads as follows:

Amend printed copy of **HB 104** on page 2, line 35 by deleting line 35 and substituting in lieu thereof the following:

"(g) Non-resident agent—$10.00."

Adopted.

Representative Williams moved to amend **HB 104** as follows:

Amend printed copy of **HB 104** on page 3, section 10, line 56 by deleting all of line 56.

Rejected.

HB 104 as amended read for the third time.

On roll call for passage, the vote was: Yeas, 66—Anderson, Arnold, Bach, Barton, Billington, Breckinridge, Brown, Buchanan, Burke, Bush, Chaudoin, Clore, Coffey, Combs, Crecelius, P. F. Davis, W. F. Davis, Duff, Farmer, Fields, Finney, Fitzpatrick, Greene, Gullette, Hahn, Haley, Hall, Hart, Henry, Hinkle, Hodges, Hopkins, Howard, Huddleston, Isler, H. N. Johnson, Kingsbury, Kubale, Lyon, McGuire, McReynolds, Mackey, Newberry, Parrish, Qualls, Ratcliffe, Rausch, Raybourne, Rayburn, Reed, Render, C. R. Reynolds, R. Reynolds, Smith, Sowards, Stith, Tanner, Tinsley, S. R. Thomas, Walsh, Wathen, Wells, Whitehead, Willen, Wilson, Young; Nays, 3—Hislope, Williams, Wirsch.

HB 104 as amended was passed and the title agreed to.

Representative Stith moved the adoption of **HR 87.** Adopted.

HR 87, A CONCURRENT RESOLUTION requesting and petitioning the United States Soil Conservation Service and the Federal Bureau of Public Roads to institute a study relative to the utilization of highway fills for water impoundment along highways.

WHEREAS, the Federal Roads Program will pass through thousands of farms and ranches in America and large fills will be necessary in crossing valleys;

WHEREAS, rights of way will have to be obtained from hundreds of farmers and ranchers for the Public Roads Program; and

WHEREAS, both the nation and the people from whom such rights of way are obtained could gain important benefits from the utilization of such fills for the impoundment of water;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the Commonwealth of Kentucky, the Senate concurring therein:

That the Federal Bureau of Public Roads and the United States Soil Conservation Service be and is urged to institute a joint study to determine the feasibility of the utilization of highway fills for water impoundment along super-highways and other highways; and that if the study proves such utilization feasible, provisions be made in the Federal Bureau of Public Roads and the State Highway Department programs enabling landowners to participate in projects of impoundment of water along highway fills.

HB 105 taken from Orders of the Day. Representative Howard moved that action be deferred but that it retain its position in Orders of the Day. Agreed.

HB 109 taken from Orders of the Day. Representative Steiger moved that it be read for the third time by title only and placed on passage. Agreed.

HB 109 read for the third time.

On roll call, the vote was: Yeas, 57—Anderson, Arnold, Bach, Billington, Breckinridge, Burke, Bush, Chaudoin, Coffey, Combs, M. W. Cook, P. W. Cornett, Crecelius, P. F. Davis, W. F. Davis, Dempsey, Duff, Farmer, Fields, Finney, Fitzpatrick, Greene, Hahn, Haley, Hart, Henry, Hislope, Hopkins, Howard, Isler, Kingsbury, Lyon, McGuire, McReynolds, Moore, Ockerman, Parrish, Peace, Qualls, Ratcliffe, Rausch, Ray, Raybourne, Render, C. R. Reynolds, R. Reynolds, Smith, Sowards, Steiger, Stith, Tinsley, S. R. Thomas, Walsh, Wathen, Wilson, Wirsch, Young; Nays, 4—Buchanan, H. Nick Johnson, Newberry, Wells.

HB 109 was passed and the title agreed to.

HB 187 taken from Orders of the Day. Reverend Tinsley moved that it be read for the third time by title only and placed on passage. Agreed.

HB 187 read for the third time.

On roll call, the vote was: Yeas, 71—Anderson, Arnold, Bach, Bartley, Billington, Breckinridge, Brown, Buckner, Burke, Burress, Bush, Chaudoin, Clore, Coffey, E. E. Cook, M. W. Cook, P. W. Cornett, Cottengim, Crecelius, P. F. Davis, W. F. Davis, Duff, Farmer, Fields, Fitzpatrick, Greene, Hahn, Haley, Hall, Hart, Henry, Hinkle, Hislope, Hopkins, Howard, Isler, H. N. Johnson, Kingsbury, Lovelace, Lyon, McGuire, McReynolds, Mackey, Moore, Newberry, Ockerman, Parrish, Peace, Qualls, Ratcliffe, Rausch, Ray, Raybourne, Rayburn, Render, C. R. Reynolds, Richards, Smith, Steiger, Stith, Tinsley, S. R. Thomas, Walsh, Wathen, Wells, Whitehead, Willen, Williams, Wilson, Wirsch, Young; Nays, 0.

HB 187 was passed and the title agreed to.

HB 250 taken from Orders of the Day. Representative Newberry moved that it be read for the third time and placed on passage. Agreed.

HB 250 read for the third time.

On roll call, the vote was: Yeas, 80—Anderson, Arnold, Bach, Bartley, Billington, Breckinridge, Brown, Buchanan, Burke, Burress, Bush, Chaudoin, Clore, Coffey, Combs, M. W. Cook, P. W. Cornett, Cottengim, Crecelius, P. F. Davis, W. F. Davis, Dempsey, Duff, Everett, Farmer, Fields, Finney, Fitzpatrick, Greene, Gullette, Hahn, Haley, Hall, Hart, Henry, Hinkle, Hodges, Hopkins, Huddleston, Isler, H. N. Johnson, Kingsbury, Kubale, Lovelace, Lyon, McGuire, McReynolds, Mackey, Moore, Newberry, Ockerman, Parrish, Peace, Qualls, Ratcliffe, Rausch, Raybourne, Rayburn, Reed, Render, C. R. Reynolds,

R. Reynolds, Richards, Smith, Sowards, Steiger, Stith, Tanner, Tinsley, Ed Thomas, S. R. Thomas, Walsh, Wathen, Wells, Whitehead, Willen, Williams, Wilson, Wirsch, Young; Nays, 0.

HB 250 was passed and the title agreed to.

HB 147 taken from Orders of the Day. Representative Moore moved that it be read for the third time by title only and placed on passage. Agreed.

HB 147 read for the third time by title only.

On roll call, the vote was: Yeas, 59—Anderson, Arnold, Barton, Billington, Breckinridge, Brown, Burke, Chaudoin, Clore, Coffey, E. E. Cook, Cottengim, Crecelius, P. F. Davis, W. F. Davis, Dempsey, Farmer, Fields, Fitzpatrick, Greene, Gullette, Hahn, Haley, Hall, Henry, Hinkle, Hodges, Hopkins, Isler, Lowman, Lyon, McGuire, Mackey, Moore, Newberry, Parrish, Peace, Qualls, Ratcliffe, Rausch, Raybourne, Rayburn, Render, C. R. Reynolds, Richards, Searcy, Smith, Steiger, Stith, Tinsley, S. R. Thomas, Walsh, Wathen, Wells, Willen, Williams, Wilson, Wirsch, Young; Nays, 3—Burress, Howard, Kingsbury.

HB 147 was passed and the title agreed to.

SB 19 taken from Orders of the Day. Representative Everett moved that it be read for the third time by title only and placed on passage. Agreed.

Representative Lowman moved to amend **SB 19** as follows:

Amend printed copy of **SB 19** on pages 1 and 2, section 2, lines 1, 2, 3, 4 by striking all of Section 2.

Adopted.

Representative Williams moved to amend **SB 19** as follows:

Amend printed copy of **SB 19** on page 1, section 1, line 3 by deleting the words "of the second class"

Rejected.

Representative Williams moved to amend **SB 19** as follows:

Amend printed copy of **SB 19** on page 2, section 2, line 2 by deleting the words "of the second class"

Amendment withdrawn on motion of Mr. Williams.

Representative Williams moved to amend **SB 19** as follows:

Amend printed copy of **SB 19** on page 1, section 2, lines 10 and 11 by deleting said lines in their entirety.

Rejected.

Representative Williams moved to amend **SB 19** as follows:

Amend printed copy of **SB 19** on page 1, Title Line by deleting the title and inserting in lieu thereof the words:

"AN ACT relating to police departments in cities."

Amendment withdrawn on motion of Mr. Williams.

SB 19 as amended read for the third time.

On roll call, the vote was: Yeas, 40—Anderson, Bach, Brown, Buchanan, Buckner, Burress, Bush, Coffey, P. W. Cornett, Cottengim, W. F. Davis, Dempsey, Duff, Finney, Fitzpatrick, Greene, Gullette, Hodges, Hopkins, Isler, H. N. Johnson, Kingsbury, Lowman, Lyon, McGuire, Mackey, Peace, Qualls, Rayburn, Render, R. Reynolds, Stith, Tanner, Tinsley, Ed Thomas, Weintraub, Willen, Wilson, Wirsch, Young; Nays, 14—Arnold, Breckinridge, Burke, Crecelius, Haley, McReynolds, Newberry, Ockerman, Ray, Raybourne, C. R. Reynolds, Searcy, Smith, Wells.

SB 19 was passed and the title agreed to.

Representative Cottengim moved that the vote by which **SB 19** was passed be reconsidered and said motion laid on the table. Agreed.

HB 64 taken from Orders of the Day. Representative Cottengim moved that it be read for the third time by title only and placed on passage. Agreed.

HB 64 read for the third time by title only.

On roll call, the vote was: Yeas, 38—Anderson, Bach, Brown, Buchanan, Buckner, Burress, Bush, Cottengim, W. F. Davis, Dempsey, Duff, Everett, Finney, Fitzpatrick, Greene, Gullette, Hodges, Isler, H. N. Johnson, Kingsbury, Kubale, Lovelace, Lowman, Lyon, McGuire, Mackey, Peace, Qualls, Rayburn, Render, C. R. Reynolds, R. Reynolds, Richards, Stith, Tinsley, Ed Thomas, Weintraub, Wirsch; Nays, 16—Arnold, Breckinridge, Burke, M. W. Cook, Crecelius, Haley, Howard, Newberry, Ockerman, Parrish, Ray, Raybourne, Searcy, Smith, Wells, Williams.

HB 64 was defeated.

Representative Williams moved that the vote by which **HB 64** was defeated be reconsidered and said motion laid on the table. Agreed.

Representative Howard moved the adoption of **SR 53.** Adopted.

SR 53, A JOINT RESOLUTION extending to the Sue Yarborough School of the Dance the invitation of the General Assembly to present its pupils in review before the members of the Senate and the House of Representatives of the Commonwealth of Kentucky.

WHEREAS, graduates and students of the Sue Yarborough School of the Dance have distinguished themselves as practitioners of the art of the dance and choreography; and

WHEREAS, the members of the General Assembly of the Commonwealth of Kentucky wish to be accorded the privilege of witnessing a review by such accomplished terpsichoreans;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the Sue Yarborough School of the Dance be and is hereby invited to present its pupils in review before the General Assembly of the Commonwealth of Kentucky on Tuesday, March 4, 1958, at 2 p.m., Central Standard Time.

Representative Everett moved that the House adjourn until 1:00 p.m., March 4. Agreed.

TUESDAY, MARCH 4, 1958

FORTY-FIFTH LEGISLATIVE DAY

The House was called to order by the Speaker, Mr. Weintraub.

Invocation by the Reverend John C. Chenault, of the First Christian Church, of Frankfort.

The Roll was called. All members present except Baumgardner, Fields, Hale, Huddleston, Huston Johnson, Miller.

Representative Chaudoin moved that absent members be granted leaves of absence. Agreed.

Representative Isler moved that the reading of the Journal be dispensed with and the same approved. Agreed.

Motions

Representative Howard moved that the vote by which the "clincher" motion was applied to **HB 64** be reconsidered. On demand of the House a roll call was taken on this motion and the vote was: Yeas, 45—Anderson, Bach, Brown, Buckner, Burress, Bush, Chaudoin, Clore, Coffey, Combs, P. W. Cornett, Cottengim, W. F. Davis, Dempsey, Duff, Everett, Finney, Fitzpatrick, Greene, Hahn, Hall, Hodges, Howard, Isler, H. N. Johnson, Kincer, Kingsbury, Lovelace, Lowman, McCallum, McGuire, Moore, Newberry, Peace, Qualls, Ratcliffe, Rayburn, Reed, Render, Richards, Stith, Tinsley, Ed Thomas, Whitehead, Wirsch; Nays, 9—Breckinridge, Burke, Crecelius, Nunn, Ockerman, Ray, Searcy, Smith, Wells.

Motion rejected.

Senate Message

Senate message announcing passage of **SB 162, SB 208, SR 37, HR 11, HB 111, HB 42, HB 15, HB 12.**

Motions

Representative Lowman moved that all bills in Orders of the Day be taken from Orders of the Day and laid on the Clerk's desk. Mr. Lowman then said he would relinquish the floor in favor of the program to be presented to the House. He was assured by the Speaker that he would be recognized following the program.

The Speaker declared the House would be at ease for the presentation of a program by the School of Dance, of Harlan, Kentucky.

At the close of the program, the Speaker resumed the Chair and called the House to order.

Announcements

The Speaker announced that Mr. Whitehead, by his own request, would not be a member of the House Rules Committee.

The Speaker then asked the Clerk to read a petition signed by students of the University of Kentucky requesting the General Assembly to pass no law which would interfere with the right of college students absent from their homes on election day to cast their votes by absentee ballots.

Special Order

Representative Buchanan reminded the House that it was past the hour set for the Special Order of business, and moved that action be taken on **HB 154.** Agreed.

Representative Arnold moved that **HB 154** be read by title only and placed on passage. Agreed.

On roll call, the vote was: Yeas 80—Anderson, Arnold, Bach, Bartley, Barton, Billington, Brown, Buchanan, Buckner, Burress, Bush, Casey, Chaudoin, Clore, Coffey, Combs, E. E. Cook, Bill Cornett, Crecelius, P. F. Davis, W. F. Davis, Dempsey, Duff, Everett, Farmer, Finney, Fitzpatrick, Gay, Gullette, Hahn, Haley, Hall, Hart, Henry, Hinkle, Hislope, Hodges, Hopkins, Howard, Isler H. N. Johnson, Kincer, Kingsbury, Kubale, Lovelace, Lowman, Lyon, McCallum, McGuire, McReynolds, Mackey, Moore, Newberry, Nunn, Parrish, Peace, Qualls, Ratcliffe, Rausch, Raybourne, Rayburn, Reed, Render, C. R. Reynolds, R. Reynolds, Richards, Searcy, Sowards, Steiger, Stith, Ed Thomas, S. R. Thomas, Walsh, Weintraub, Whitehead, Willen, Wilson, Wirsch, Young; Nays, 5—Breckinridge, Ford, Ockerman, Tinsley, Wells.

HB 154 was passed and the title agreed to.

Introductions

The following Bills and Resolutions were introduced:

HR 94, by Representatives McGuire, Peace, A CONCURRENT RESOLUTION requesting and petitioning the Congress of the United States to amend the provisions of the Servicemen's Readjustment Act of 1944.

HR 95, by Representatives Peace, McGuire, A CONCURRENT RESOLUTION memorializing the Kentucky delegation to the Congress of the United States to introduce and support legislation to designate U.S. Highway 60 as "Amvets Highway."

HR 96, by Representative Richards, A RESOLUTION relating to control of rabid foxes.

HB 558, by Representative Wells, AN ACT relating to the members of the city council in cities of the fourth class.

HB 559, by Representative Lowman, AN ACT relating to employment in the service of the Commonwealth and the appropriation of funds therefor.

HB 560, by Representative McReynolds, AN ACT relating to circuit courts.

HB 561, by Representative Kubale, AN ACT relating to sewers.

HB 562, by Representative Kubale, AN ACT relating to sanitary sewers, involving water suppliers.

HB 563, by Representative Cottengim, AN ACT relating to medical care for indigent persons.

HB 564, by Representative Cottengim, AN ACT creating the Kentucky Construction Standards Commission.

HB 565, by Representative Richards, AN ACT relating to motor vehicles.

HB 566, by Representative Richards, AN ACT relating to local option.

HB 567, by Representative Newberry, AN ACT relating to the preservation of records of circuit and county courts.

HB 568, by Representatives Williams, Arnold, AN ACT relating to the Kentucky State Police, amending KRS 16.080.

HB 569, by Representative Richards, AN ACT relating to costs on attachment and indemnity bonds.

HB 570, by Representative Casey, AN ACT relating to attorneys.

HB 571, by Representatives Duff, Buckner, Qualls, Dempsey, Bartley, Brown Rayburn, AN ACT relating to highways.

HB 572, by Representatives Gay, Buchanan, Peace, Sowards, AN ACT relating to nominations by petition.

Representative Lowman was recognized by the Speaker to continue his debate on the motion to lay all bills in Orders of the Day on the Clerk's Desk.

Representative Rayburn moved that the House adjourn until 1:00 p.m., March 5. Agreed.

WEDNESDAY, MARCH 5, 1958

FORTY-SIXTH LEGISLATIVE DAY

The House was called to order by the Speaker, Mr. Weintraub.

Invocation by the Reverend Robert J. Laughlin, of the First Presbyterian Church, of Frankfort.

The roll was called. All members present except Baumgardner, Buchanan, Buckner, Casey, Cottengim, Hale, Henry, Huddleston, Huston Johnson, Miller, Russell Reynolds,Sowards, Tanner, who were granted leaves of absence on motion of Representative Chaudoin.

Reading of the Journal for March 4 dispensed with and the same approved on motion of Representative Isler.

Motions

Representative Everett moved that when the House adjourns it do so until 11:00 a.m., March 6. Agreed.

Announcements

The Speaker announced that all bills introduced by the House and those received from the Senate will be referred to the House Rules Committee.

Report on Enrolled Bills

The Committee on Enrollment reported that **HR 11, HB 157, HB 111, HB 93, HB 90, HB 42, HB 35, HB 15, HB 12** had been examined and found correctly enrolled. Said bills read at length, compared, and signed in open session by the Speaker. Ordered that the original and enrolled copies be delivered to the Senate.

Said bills delivered, signed by the President of the Senate. Ordered delivered to the Governor.

Recess

Representative Everett moved that the House recess for fifteen minutes for a meeting of the Rules Committee. Agreed. At the appointed hour, the Speaker resumed the Chair.

Introductions

The following Bills and Resolutions were introduced:

HR 97, by Representative Everett, A JOINT RESOLUTION directing the Legislative Research Commission to study merchandizing practices of the Gasoline Industry.

HR 98, by Representative Ray, A JOINT RESOLUTION authorizing civil action against the Commonwealth of Kentucky and the Department of Highways, or either of them in the interest of Gerald J. Roche.

HR 99, by Representative Ray, A JOINT RESOLUTION authorizing civil action against the Commonwealth of Kentucky and the Department of Highways, or either of them, in the interest of the estate of Harriet Rodman Roche.

HB 573, by Representative Stith, AN ACT relating to the practice of medicine.

HB 574, by Representative Weintraub, AN ACT relating to fire protection districts.

HB 575, by Representative Everett, AN ACT relating to the Public Service Commission and amending Section 278.130 of the Kentucky Revised Statutes to raise the total amount that may be assessed by the Commission against public utilities in any year from $250,000 to $350,000.

HB 576, by Representative Everett, AN ACT relating to the Kentucky State Fair Board, the Kentucky Fair and Exposition Center, the Kentucky State Fair, and the control, management and operation of all facilities and activities in connection therewith.

HB 577, by Representatives Kubale, Gullette, AN ACT relating to directors of pupil personnel.

HB 578, by Representative Breckinridge, AN ACT relating to motor vehicle registration.

HB 579, by Representative Duff, AN ACT relating to school bus operation.

HB 580, by Representative Burress, AN ACT relating to motor vehicle auctions.

HB 581, by Representatives Whitehead, Dempsey, AN ACT relating to old-age assistance.

HB 582, by Representative Chaudoin, AN ACT relating to insurance and amending KRS 304.484.

HB 583, by Representative Qualls, AN ACT relating to the Legislative Research Commission.

HB 584, by Representatives Buckner, Duff, Buchanan, H. Nick Johnson, Ratcliffe, AN ACT relating to coal mining.

HB 585, by Representatives Wirsch, Isler, AN ACT relating to income tax, authorizing deduction of military retirement pay.

HB 586, by Representative Fitzpatrick, AN ACT relating to county-wide government.

Report of the Rules Committee

The Rules Committee reported **HB 466, HB 521, HB 329, HB 550, HB 523, HB 524, HB 470, HB 475, HB 548, HB 334, HB 468, HB 336, HB 526, HB 207, SB 9, HB 313, HB 116, HB 108, HB 428, HB 110, HB 233, HB 335, HB 442, HB 420, HB 141, HB 430, HB 429, HB 535, HB 542, HB 476, HB 106, HB 545, HB 443, HB 425, HB 516, HB 546,** with the expression of opinion that the same should pass. Said bills read at length for the first time and ordered placed in the Calendar.

HB 466, AN ACT relating to the Kentucky Employees Retirement System, and extending coverage to employees of the Department of Military Affairs.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 61.510 of the Kentucky Revised Statutes is amended to read as follows:

As used in KRS 61.510 to 61.700, unless the context otherwise requires:

(1) "System" means the Kentucky Employees Retirement System created by KRS 61.510 to 61.700;

(2) "Board" means the Board of Trustees of the system as provided in KRS 61.645;

(3) "Department" means any state department, board of agency participating in the system in accordance with appropriate executive order, as provided in KRS 61.520;

(4) "Examiner" means the medical examiner or examiners as provided in KRS 61.665;

(5) "Employee" means every person regularly employed in rendering service to and for a department and whose compensation is payable in whole or in part by such department. The term shall include all full-time, regular employees of the board and employees of the Department of Military Affairs whose compensation is paid wholly or in part by the federal government. In case of any doubt, the board shall determine if a person is an employee within the meaning of KRS 61.510 to 61.700.

(6) "Employer" means a department or any authority of such department having the power to appoint an employee to office or employment in such department;

(7) "State" means the Commonwealth of Kentucky;

(8) "Member" means any employee who is included in the membership of the system;

(9) "Service" means the total of current service and prior service as defined herein;

(10) "Current service" means the number of years and completed months, expressed as a fraction of a year, of employment as an employee, on and after July 1, 1956, for which compensation is paid by the employer during which employment the employee is a member of the system, except as otherwise provided in KRS 61.620;

(11) "Prior service" means the number of years and completed months, expressed as a fraction of a year, of employment as an employee, prior to July 1, 1956, for which compensation was paid by the employer.

(12) "Beneficiary" means any person entitled to receive benefits under KRS 61.510 to 61.700;

(13) "Accumulated contributions" at any time means the sum of all amounts deducted from the compensation of a member and credited to his individual account in the members' contribution account to-

gether with interest credited on such amounts, and any other amounts the member shall have contributed thereto, including interest credited thereon;

(14) "Creditable compensation" means the compensation to an employee (arising from funds disbursed by the State Treasurer or, with respect to employees of the Department of Military Affairs, arising from funds disbursed either by the State Treasurer or by the federal government) working the full working time for his position. In cases where compensation includes maintenance and other perquisites, the board shall fix the value of the part of the compensation not paid in money;

(15) "Final compensation" of a member means the creditable compensation to the member during the five calendar years he was paid at the highest average monthly rate of any of the last ten years of creditable compensation preceding the member's retirement date divided by the number of months of service during that five-year period. Said five years may be fractional, need not be consecutive, and include only years during which creditable compensation is received by the member. In no case will final compensation be less than that determined on the assumption that the member retired on his normal retirement date. All benefits shall be paid in accordance herewith.

(16) "Retirement allowance" means the retirement payments to which a member is entitled;

(17) "Actuarial equivalent" means a benefit of equal value when computed upon the basis of such actuarial tables as are from time to time adopted by the board;

(18) "Normal retirement date" means the sixty-fifth birthday of a member or the date on which the member completes ten years of service, whichever occurs later, except that in no case will a member's normal retirement date be later than his seventy-fifth birthday. The normal retirement date for any member who has passed his seventy-fifth birthday on the date he becomes a member shall be the date he becomes a member, except as otherwise provided in KRS 61.590. Notwithstanding anything to the contrary contained in this sub-section (18), the normal retirement date of a member shall not be earlier than July 1, 1957;

(19) "Fiscal year" of the system means the twelve months from July 1 through the following June 30.

Section 2. Section 61.560 of the Kentucky Revised Statutes is amended to read as follows:

(1) (a) Each member shall, commencing on the date he becomes a member, contribute for each pay period for which he receives compensation two and one-half percent of his creditable compensation if his rate of annual compensation does not exceed $4,200. If such member's rate of annual compensation exceeds $4,200, he shall

contribute two and one-half percent of that portion of his creditable compensation not in excess of the equivalent applicable rate for such pay period to annual compensation of $4,200 and four percent of that portion of his creditable compensation which is in excess of such rate applicable to annual compensation of $4,200.

(b) Each employee of a department on the date the department first participates in the system who elects to become a member subsequent to such date, but prior to the next succeeding October 1, shall make contributions which he would have made if he had elected to become a member as of the date such department first participated.

(2) The Commissioner of Finance shall cause to be deducted from the salary or compensation of each member whose compensation is paid by the state, for each and every payroll period subsequent to the date of establishment of the system and the Adjutant General shall collect from each member in the Department of Military Affairs, whose compensation is paid wholly or in part by the federal government at the time of payment, the contribution payable by each such member as provided in KRS 61.510 to 61.700, but in no case shall any deduction be made from the compensation of a member after his normal retirement date if such member elects not to contribute.

(3) In determining the creditable compensation of a member in a payroll period, the board may consider the rate of compensation payable to such member on the first day of the payroll period as continuing throughout such payroll period, and, to facilitate the making of deductions, may allow the omission of deductions from any fractional amount less than one dollar from any member in any period and may allow the omission of deductions from compensation for any period less than a full payroll period if any employee was not a member on the first day of the payroll period.

(4) The deductions provided for herein shall be made notwithstanding that the minimum compensation provided by law for any member shall be reduced thereby. Every member shall be deemed to consent and agree to the deductions made as provided herein; and payment of salary or compensation less such deductions shall be a full and complete discharge of all claims for services rendered by such person during the period covered by such payment, except as to any benefits provided by KRS 61.510 to 61.700.

(5) Notwithstanding any other provisions of this section, no deduction shall be made from any member's compensation if the employer's contribution required hereunder is in default.

HB 521, AN ACT proposing an amendment to the Constitution of Kentucky relating to the organization and government of cities of the first, second and third class.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The people of each city of the first, second or third class are hereby authorized to make, adopt, amend, or repeal the charter of said city to the end that self-government in all municipal matters may be effected. Such charters and ordinances as may be adopted pursuant hereto shall supersede, within the territorial limits of said city, anything in this Constitution or the law of the Commonwealth pertaining to municipal matters and in conflict therewith. All extant laws and ordinances, and such as may hereafter be adopted, shall remain in effect until superseded by action taken pursuant to the provisions hereof. The adoption of a charter shall vest exclusively in the adopting city such powers and authority over municipal matters as may be provided therein and which the General Assembly might otherwise authorize a city to exercise under this Constitution in the absence of this provision.

Section 2. A proposal for calling a charter convention may be initiated either by a three-fourths vote of all the members of the existing city legislative body or by a petition filed with the legislative body signed by qualified voters equal in number to twenty-five percent of the votes cast in the last municipal election. Such proposal shall be deemed adopted when approved by a majority of those voting thereon in any election, special or otherwise, and the General Assembly shall enact proper general laws to carry into effect the provisions of this section.

Section 3. This amendment shall be submitted to the voters of the Commonwealth for their ratification or rejection at the time and in the manner provided for under Sections 256 and 257 of the Constitution, and under Sections 118.170 and 118.430 of the Kentucky Revised Statutes.

HB 329, AN ACT relating to arguments of counsel in criminal cases.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 288 of Carroll's Criminal Code of Practice is amended to read as follows:

If more than one counsel on each side argue the case, they shall do so alternately.

If more than one defendant is tried as provided in Section 127 as amended, and the parties defendant are unable to agree as to the order of argument, the Court shall, in its discretion, direct how said defense arguments are to proceed.

HB 550, AN ACT relating to municipalities and public utility facilities therein.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. "Municipality" means any county, city, town, village and municipal corporation of any and every class in the Commonwealth of Kentucky, and any board, commission or agency thereof.

Section 2. No municipality, in which there is located an existing electric, water or gas public utility plant or facility shall construct or cause to be constructed any similar utility plant or any similar public utility facility duplicating such existing plant or facility or to obtain or acquire any similar public utility plant or facility other than by the purchase of the existing plant or facility or by the acquisition of such existing plant or facility by the exercise of the power of eminent domain.

Section 3. All laws and parts of laws in conflict herewith to the extent of such conflict are repealed.

HB 523, AN ACT relating to revenue and taxation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Kentucky Revised Statutes 131.110 is amended to read as follows:

(1) The Department of Revenue or its agent shall mail to the taxpayer a notice of any tax assessed by it or its agent. Unless the taxpayer protests the assessment in the manner provided in this paragraph, the assessment shall be final at the expiration of thirty days from the date of notice, but the assessment shall be reviewable as provided in paragraph (2) of this section. Such protest shall be filed with the Department of Revenue in writing and shall be accompanied by a supporting statement setting forth the grounds for and information upon which the protest is made. Upon written request, the department may extend the time for filing the supporting statement if it appears that the delay is necessary and unavoidable. A refusal of such an extension may be reviewed in the same manner as in the case of a protested assessment. At the time of filing both the protest and supporting statement, the taxpayer may request a ruling on the protest as filed or may request a conference with the department or its agent which shall be granted in writing stating the time set for the conference. The taxpayer may appear in person or by representative. After considering the taxpayer's protest, including any matters presented at such a conference, the department or its agent shall issue a final ruling thereon which shall be mailed to the taxpayer. The tax shall be due and payable upon the date the assessment becomes final unless the taxpayer petitions the Kentucky Tax Commission for a review thereof as provided in paragraph (2) of this section.

(2) Within fifteen days after an unprotested assessment by the Department of Revenue has become final, or within fifteen days from the date of notice of a final ruling by the Department of Revenue on

a protested assessment, or within fifteen days from the date of notice of any final ruling, order or finding of the Department of Revenue, the taxpayer may petition the Kentucky Tax Commission for a review of the final action of the department. The petition shall be filed in quadruplicate and shall in a concise manner state the issue or issues involved, the facts, the basis of the taxpayer's contention, the assessment or portion thereof being protested, and, if desired, a request for a formal or informal hearing. When an assessment by the Department of Revenue is protested, the Commission may order the department to certify the unprotested portion immediately and the taxes on the unprotested portion shall be paid in the usual manner and time. When the protest is finally disposed of, the department shall further certify any additional assessment provided for in the Commission or court order. A copy of the final decision of the Commission shall be mailed to the taxpayer after it has considered all of the evidence and facts presented. If the Commission reviews an assessment, the taxes determined to be owing shall be due and payable thirty days after the date of notice of the decision of the Commission.

Section 2. Kentucky Revised Statute 136.050 is amended to read as follows:

(1) Except where otherwise specially provided, all corporations required to make reports to the Department of Revenue shall pay all taxes due the state from them into the State Treasury at the same time as natural persons are required to pay taxes, and when delinquent shall pay the same rate of interest and penalties as natural persons who are delinquent.

(2) All state taxes assessed against any corporation under the provisions of KRS 136.120 to 136.220 shall be due and payable as provided in KRS 131.110. All county, city, school and other taxes so assessed shall be due and payable thirty days after notice of the amount of the tax is given by the collecting officer. The state, county, city, school and other taxes found to be due on any protested assessment or portion thereof shall begin to bear legal interest on the sixty-first day after the Kentucky Tax Commission acknowledges receipt of a protest of any assessment or enters an order to certify the unprotested portion of any assessment until paid, except that in no event shall interest begin to accrue prior to January 1 following March 31 of the year in which the report is due. Every corporation so assessed that fails to pay its taxes when due shall be deemed delinquent, a penalty of ten percent on the amount of the tax shall attach, and thereafter the tax shall bear interest at the rate of ten percent per annum.

HB 524, AN ACT relating to revenue and taxation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Kentucky Revised Statute 136.120 is amended to read as follows:

(1) Every railway company, sleeping car company, chair car company, dining car company, gas company, water company, ferry company, bridge company, street railway company, interurban electric railroad company, express company, electric light company, electric power company, telephone company, telegraph company, bus line company, common carrier trucking company, air transport company, pipe-line company, common carrier water transportation company, and every other like company or business performing any public service, shall, in addition to the other taxes imposed on it by law, annually pay a tax on its franchise to the state and a local tax thereon to the county, incorporated city, town and taxing district wherein its franchise may be exercised.

(2) Whenever any individual or association of individuals not constituting a corporation nor having capital stock engages in the business of any of the corporations mentioned in subsection (1) of this section, the capital and property, or the certificates or other evidences of the rights or interests of the holders thereof in the business or capital and property employed therein, shall be deemed the capital stock of that individual or association for the purpose of taxation and all other purposes under KRS 136.120 to 136.180, in like manner as a corporation.

(3) The property of such taxpayers shall be classified as operating tangible, franchise, nonoperating tangible and non-operating intangible. Nonoperating intangibles within the taxing jurisdiction of the Commonwealth shall be taxable for state purposes only at the same rate as the intangible property of other taxpayers not performing public services, and tangible property whether operating or nonoperating shall be subject to state and local taxes at the same rate as the tangible property of other taxpayers not performing public services.

(4) The Department of Revenue shall have sole power to value and assess all of the property, including the franchise, of every corporation, company, association, partnership, or person performing any public service, including those enumerated above and all others to whom this section may apply, whether or not such operating or nonoperating tangible or nonoperating intangible, or franchise values have heretofore been assessed by said department, and shall, except as provided in subsection (5) below, apportion such assessment of franchise as provided by KRS 136.170, and shall certify tangible property to the counties, cities, towns and taxing districts where said property is situated. Provided, however, that in the case of a taxpayer whose business is predominantly nonfranchise and the franchise or public service business in which he is engaged is merely incidental to his principal business, the department shall in the exercise of its judgment and discretion determine, from evidence which it may have or obtain,

what portion of the capital and property is devoted to the public service business subject to assessment by the department under this section and shall require the remainder of the property not so engaged to be assessed by the local taxing authorities.

(5) (a) The Department of Revenue shall likewise have sole power to value and assess all the property within the taxing jurisdiction of this Commonwealth of every refrigerator car company, tank car company, coal car company, and every like car company and every irregular route common carrier truck company and may, in determining the proportion of the value of such property within the taxing jurisdiction of Kentucky, take into consideration the car or truck mileage made by the cars or trucks of such companies. The department shall not certify the assessment of the franchise or rolling stock of such companies to any county, city, town or taxing district, but shall apportion and certify the operating tangible property, other than rolling stock, to the counties, cities, towns and taxing districts where such property is located. The franchise and rolling stock of such companies shall be taxable for state purposes only at the rate of one dollar and fifty cents upon each one hundred dollars of value, and shall not be subject to taxation by a county, city, town, or other taxing district.

(b) The property of taxpayers within the meaning of paragraph (a) of this subsection shall likewise be classified as operating tangible, franchise, nonoperating tangible and nonoperating intangible. The nonoperating intangible property of the companies within the meaning of this subsection which are within the taxing jurisdiction of the Commonwealth shall be taxable for state purposes only at the same rate as the intangible property of nonfranchise taxpayers.

HB 470, AN ACT relating to amusement tax.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Sections 138.010, 138.020, 138.030, 138.040, 138.045, 138.050, 138.060, 138.070, and 138.080 of the Kentucky Revised Statutes are repealed.

HB 475, AN ACT relating to county employes retirement.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Definitions. As used in this Act unless the context otherwise requires:

(1) "System" means the County Employes Retirement System;

(2) "Board" means the Board of Trustees of the system;

(3) "County" means any county participating in the system in accordance with appropriate executive order, as provided in Section 3 of this Act;

(4) "Examiner" means the medical examiner or examiners as provided in this Act;

(5) "Employe" means every person regularly employed in rendering service to and for a county and whose compensation is payable in whole or in part by such county, and shall include all full time regular employes of the county. In case of any doubt the board shall determine if a person is a county employe within the meaning of Sections 1 through 39 of this Act. The Judge of the County Court, County Court Clerk, County Attorney, Sheriff, Jailer, Coroner, Surveyor, County Commissioners, Justice of the Peace and Constable, and all compensated employes assisting these officials in the performance of their official duties shall be considered county "employes" within the meaning of this Act.

(6) "Employer" means a county, the electorate of a county, or any authority of such county having the power to appoint or elect an employe to office or employment in such county;

(7) "Member" means any employe who is included in the membership of the system;

(8) "Service" means the total of current service and prior service as defined herein;

(9) "Current service" means the number of years and completed months, expressed as a fraction of a year, of employment as an employe, on and after July 1, 1958, for which compensation is paid by the employer during which employment the employe is a member of the system, except as otherwise provided in Section 23 of this Act;

(10) "Prior service" means the number of years and completed months, expressed as a fraction of a year, of employment as an employe, prior to July 1, 1958, for which compensation was paid by the employer;

(11) "Beneficiary" means any person entitled to receive benefits under Sections 1 to 39 of this Act;

(12) "Accumulated contributions" at any time means the sum of all amounts deducted from the compensation of a member and credited to his individual account in the members' contribution account, together with interest credited on such amounts, and any other amounts the member shall have contributed thereto, including interest credited thereon;

(13) "Creditable compensation" means the compensation to an employe working the full working time for his position. In cases where compensation includes maintenance and other perquisites, the board shall fix the value of that part of the compensation not paid in money;

(14) "Final compensation" of a member means the creditable compensation to the member during the five calendar years he was paid at the highest average monthly rate of any of the last ten years of creditable compensation preceding the member's retirement date

divided by the number of months of service during that five year period. Said five years may be fractional, need not be consecutive, and include only years during which creditable compensation is received by the member. In no case will final compensation be less than that determined on the assumption that the member retired on his normal retirement date. All benefits shall be paid in accordance herewith;

(15) "Retirement allowance" means the retirement payments to which a member is entitled;

(16) "Actuarial equivalent" means a benefit of equal value when computed upon the basis of such actuarial tables as are from time to time adopted by the board;

(17) "Normal retirement date" means the sixty-fifth birthday of a member or the date on which the member completes ten years of service, whichever occurs later, except that in no case will a member's normal retirement date be later than his seventy-fifth birthday. The normal retirement date for any member who has passed his seventy-fifth birthday on the date he becomes a member shall be the date he becomes a member, except as otherwise provided in Section 17 of this Act. Notwithstanding anything to the contrary contained in this subsection (17), the normal retirement date of a member shall not be earlier than July 1, 1959;

(18) "Fiscal year" of the system means the twelve months from July 1 through the following June 30.

Section 2. Retirement system established; fund created. There is hereby created and established:

(1) A retirement system for employes to be known as the "County Employes Retirement System" by and in which name it shall, pursuant to the provisions of this Act, transact all of its business and shall have the powers and privileges of a corporation; and

(2) A state fund, called the "County Employes Retirement Fund", which shall consist of all the assets of the system as set forth in this Act.

Section 3. Participation by order; authority for order. (1) Each county will participate in the system by appropriate order authorizing such participation which has been entered and duly recorded in the records of the County Fiscal Court. The authority to issue and properly record such order of participation being hereby granted, permits such county to participate in the system. The effective date of such participation shall be the July 1 coinciding with or next following the proper entering and signing of the order authorizing participation.

(2) Once a county participates it shall thereafter continue to participate.

Section 4. Membership; persons composing. Membership in the system shall consist of the following:

(1) All persons who become employes of a participating county after the date such county first participates in the system; and

(2) All persons who are employes of a county on the date the county first participates in the system, either in service or on authorized leave from service, and who elect prior to the October 1 next following such county's participation, on in the case of persons on authorized leave, within 90 days of their return to active service, to become members and thereby agree to make contributions as provided in this Act.

Section 5. Refusal to become member; penalties. Any person who is an employe on the date his county first participates in the system, either in service or on leave from service, who does not elect within the time set forth in this Act to become a member and thereby make contributions required of him by this Act, shall forfeit all right for credit for service which any county prior to the date he might subsequently elect to become a member, notwithstanding anything contained in this Act to the contrary. Prior to the last day of the period during which he may elect to become a member, each such person shall be notified of the penalty resulting from his failure to elect to become a member.

Section 6. Cessation of membership; conditions. The membership of any person in the system shall cease:

(1) Upon withdrawal of his accumulated contributions at or any time after termination of employment, regardless of length of service.

(2) After the expiration of nine calendar months following termination of employment if such termination was:

(a) for any reason other than involuntary termination of employment by the employer without prejudice after ten years of service but before the completion of twenty years of service, unless as such termination of employment the member has had at least twenty years of service;

(b) Involuntary termination of employment by the employer without prejudice if the person has less than twenty years of service, unless at such termination of employment the member has had at least ten years of service and is re-employed within eight years of said termination of employment;

(3) Upon service retirement;

(4) Upon death;

(5) Upon termination of employment with prejudice after twenty years of service;

(6) For purposes of Sections 1 to 39 of this Act, termination of employment with prejudice shall mean termination as the result of conviction of the member in a court of competent jurisdiction of embezzlement or larceny of public funds or property or malfeasance in office, or the forcing of a member to make restitution for any funds or property criminally taken by said member at the time of termination of employment.

Section 7. Statement of member to be filed; requirements. Under such rules and regulations as are adopted by the board, each employe of an employer upon becoming a member, or someone on his behalf, shall file with the board, in such form as the board may prescribe, a statement of the facts pertaining to his status as a member, which shall include a detailed description of all service rendered prior to the date of the most recent termination of membership, as the result of termination of employment with such employer, and such other information as the board may require. Until such statement is filed, no member or his beneficiary shall be eligible to receive any benefits under Sections 1 to 39 of this Act. As soon as practicable after said statement is filed, the board shall ascertain the amount of service prior to his becoming a member, if any, to which a member is entitled and shall issue to such member a certificate certifying the length of such service rendered by him which certificate shall, however, become void upon termination of membership for any reason except for death or retirement.

Section 8. Computation of service. The board shall determine by appropriate rules and regulations how much service in any year is the equivalent of a year of service, but in no case shall it allow credit for more than one year of service for all service rendered in any period of twelve consecutive months.

Section 9. Cessation of membership; loss of benefits. When membership ceases, except in the case of retirement, an employe shall thereafter lose all right to any retirement allowance or benefits under Sections 1 to 39 of this Act arising from service prior to the date of such cessation of membership.

Section 10. Service in armed forces to be credited; maximum; requirements. (1) Any member entering the armed forces of the United States after he first participates in the system, being on leave of absence from service and not withdrawing his acumulated contributions, shall be entitled to have credited as service his period of service in the armed forces of the United States, not to exceed six years, provided his discharge therefrom is honorable and he is reemployed within one year after discharge, or upon the subsequent termination of any total disability which existed at the expiration of said year after discharge.

(2) Any member of the system who, prior to the date he first participated in the system, terminated his employment in order to enter the armed forces of the United States and who was or is reemployed after his honorable discharge therefrom, shall be entitled to have credited as service his period of service in the armed forces, not to exceed six years.

Section 11. Members contributions; rate. (1) (a) Each member shall commencing on the date he becomes a member, contribute for each pay period for which he receives compensation two and one-half percent of his creditable compensation if his rate of annual compensation does not exceed $4,200. If such member's rate of annual compensation exceeds $4,200, he shall contribute two and one-half percent of that portion of his creditable compensation not in excess of the equivalent applicable rate for such pay period to annual compensation of $4,200 and four percent of that portion of his creditable compensation which is in excess of such rate applicable to annual compensation of $4,200.

(b) Each employe of a county on the date the county first participates in the system who elects to become a member subsequent to such date, but prior to the next succeeding October 1, shall make contributions which he would have made if he had elected to become a member as of the date such county first participated.

(2) The County Treasurer shall cause to be deducted from the salary or compensation of each member for each and every payroll period subsequent to the date of the establishment of the system, the contribution payable by such member as provided in Sections 1 to 39 of this Act, but in no case shall any deduction be made from the compensation of a member after his normal retirement date if such member elects not to contribute.

(3) In determining the creditable compensation of a member in a payroll period, the board may consider the rate of compensation payable to such member on the first day of the payroll period as continuing throughout such payroll period, and, to facilitate the making of deductions, may allow the omission of deductions from any fractional amount less than one dollar from any member in any period and may allow the omission of deductions from compensation for any period less than a full payroll period if any employe was not a member on the first day of the payroll period.

(4) The deductions provided for herein shall be made notwithstanding that the minimum compensation provided by law for any member shall be reduced thereby. Every member shall be deemed to consent and agree to the deductions made as provided herein; and payment of salary or compensation less such deductions shall be a full and complete discharge of all claims for services rendered by such person during the period covered by such payment, except as to any benefits provided by Sections 1 to 39 of this Act.

(5) Notwithstanding any other provisions of this section, no deduction shall be made from any member's compensation if the employer's contribution required hereunder is in default.

Section 12. Employer contributions. (1) Each employer shall contribute annually an amount equal to a certain percentage of the creditable compensation of its members, to be known as the "normal contribution", and an additional amount equal to a certain percentage of such creditable compensation to be known as the "prior service liability contribution."

(2) Until the prior service liability contribution is no longer required, the normal contribution shall be determined as such annual amount payable during the member's period of service while under the system required to provide the retirement allowances due to such service not provided by the member's contributions. After the prior service liability contribution is no longer required, the normal contribution shall be determined as such annual amount payable during the members' periods of service under the system required to provide the difference between the total liabilities for retirement allowances not provided by members' contributions and the amount of the assets in the retirement allowance account.

(3) The prior service liability contribution shall be such annual amount required to provide for the liquidation, within thirty years of July 1, 1958, of the liability for retirement allowances due to prior service with the employer. The unfunded prior service liability at any particular time shall be the excess, if any, of the then present value of the retirement allowances due to prior service over the total accumulated prior service liability contributions previously made with interest on such contributions at the rates of interest earned each year on the assets of the system.

(4) Normal contributions and the prior service liability contributions shall be determined on actuarial bases adopted by the board. Such contributions shall be determined by the board after each valuation and shall continue in force until a new valuation is made.

(5) The board shall furnish to the employer prior to the beginning of each fiscal year its best estimate of the normal contributions, the prior service liability contributions and the expenses of administering the system as provided in Sections 28 to 39 of this Act necessary to meet the provisions of this Act during the fiscal year next following. The estimated amount so furnished shall be included in the budget for the county and the county shall make available to the board sufficient funds to provide actual amounts necessary for contributions and expenses.

(6) The aggregate employer contributions payable into the retirement allowance account shall be at least sufficient, when combined with the amount then held in the account, to provide the benefits payable from such account during the current year.

Section 13. Fund assets; how held, credited. All of the assets of the system shall be held and invested in the County Employes Retirement Fund and credited, acording to the purpose for which they are held, to one of two accounts, namely, the members' contribution account, and the retirement allowance account.

Section 14. Members' contribution account. (1) The members' contribution account shall be the account to which all members' contributions and interest allowances as provided in Sections 1 to 39 of this Act shall be credited. From this account shall be paid the accumulated contributions of a member required to be returned to him upon withdrawal, or paid in the event of his death before retirement.

(2) The County Treasurer shall, at the end of each payroll period, forward to the board an amount equal to the aggregate amount of the deductions made for the preceding payroll period from the salaries of all members. The County Treasurer shall forward a record of all such transfers to the board.

(3) Each members' contribution provided for in Section 11 of this Act shall be credited to the individual account of the contributing member.

(4) Each individual account of the members' contribution account shall be credited annually with interest at that rate determined by the board but not less than two per centum per annum on the accumulated contributions of the member; provided, however, that interest shall accrue on any such contribution beginning at the end of the fiscal year in which each such contribution was made. Such amounts so credited shall be transferred from the retirement allowance account.

(5) Upon the retirement of a member, his accumulated contributions shall be transferred from the members' contribution account to the retirement allowance account.

Section 15. Retirement allowance account. The retirement allowance account shall be the account in which shall be accumulated all employer contributions, amounts transferred from the members' contribution account, and to which all income from the invested assets of the system shall be credited. From this account shall be paid the expenses of the board in administering the system, retirement allowances and any other benefits payable after a member's retirement and from this account shall be transferred to the members' contribution account the interest credited annually to each member's individual account as provided by this Act.

Section 16. Deposits. For the purpose of meeting disbursements for retirement allowances and other payments, there may be kept available cash, not exceeding seven and one-half percent of the total amount in both accounts of the system, on deposit in one or more banks or trust companies that are designated by the County Treasurer as depositories for funds of the county. The members of the board shall not be liable for any loss sustained as to such funds that are on deposit in such banks or trust companies.

Section 17. Service retirement. (1) Any member in service at his normal retirement date may retire at that time or at any time thereafter upon written notification to the board, made by such member or his employer, setting forth at what time the retirement is to become effective, provided that such effective date shall be after his last day of service but shall not be more than ninety days prior to or subsequent to the filing of such notice.

(2) Any member who is in service on or after his fifty-fifth birthday and has completed at least twenty years of service may, upon approval by the board, retire upon written request to the board, made by the member or his employer, setting forth at what time the retirement is to become effective, provided that such effective date shall be after his last day of service and after the filing of such notice but shall not be more than ninety days subsequent to the filing of such notice.

(3) Any member having left the service after having completed at least twenty years of service as of the date of leaving service may retire under the provisions of subsection (1) of this section, or after having completed at least thirty years of service with his employer as of the date of leaving service, may retire under the provisions of subsection (2) of this section provided that he shall not have withdrawn his accumulated contributions prior to the effective date of his retirement and except that any requirements as to the member being in service shall not apply.

Section 18. Service retirement allowance. (1) Upon service retirement at normal retirement date, or subsequent thereto, a member shall receive an annual retirement allowance, payable monthly during his lifetime, which shall consist of an amount equal to one-fourth percent of the first $1320 of final compensation multiplied by the number of years of service, plus one percent of the next $2880 of final compensation multiplied by the number of years of service, plus one and one-fourth percent of final compensation in excess of $4200 multiplied by the number of years of service.

(2) Upon service retirement prior to normal retirement date, a member shall receive an annual retirement allowance payable monthly during his lifetime which shall be determined in the same manner as for retirement at his normal retirement date with years of service and final compensation being determined as of the date of his actual retirement, but the amount of the retirement allowance so determined shall be reduced by five-twelfths percent for each 30 days that the actual retirement date precedes the normal retirement date.

Section 19. Disability retirement. Any member in service who has fifteen or more years of service may, at any time before his normal retirement date, retire on account of disability upon written notification to the board, made by the member or his employer, setting forth at what time the retirement is to become effective; provided that such effective date shall be after the last day of service but shall not be more than ninety days prior to the filing of such notice; and provided further that the examiner, after a medical examination of such member, shall certify that such member is, and has been continuously since such effective date, if prior to the filing of such notice, mentally or physically incapacitated for the further performance of duty and that such incapacity is likely to be permanent and that such member should be retired.

Section 20. Disability retirement allowance; determination. Upon disability retirement, a member shall receive an annual retirement allowance payable monthly during his lifetime which shall be determined in the same manner as for retirement at his normal retirement date with years of service and final compensation being determined as of the date of his disability except that the amount of such annual retirement allowance shall not be less than $480.00.

Section 21, Beneficiary of disability retirement allowance, medical examination of. Once each year during the first five years following the retirement of a member on a disability retirement allowance, and once in every three-year period thereafter, the board will require such member, prior to his normal retirement date, to undergo a medical examination by the examiner. Should the member refuse to submit to any such medical examination, his retirement allowance shall be discontinued until his withdrawal of such refusal, and should such refusal continue for one year, all his rights to any further disability allowance shall cease and he shall, at the end of such one year, cease to be a member hereunder.

Section 22. Disability retirement allowance, reduction of. (1) Whenever the examiner certifies to the board that a member receiving a disability retirement allowance is, prior to his normal retirement date, engaged in gainful occupation of work paying more than the difference between the disability retirement allowance and his final compensation, the board may reduce such retirement allowance to an amount which, together with the amount earnable by him equals the amount of his final compensation.

(2) Should the examiner report and certify to the board at any time that any disabled member is able to engage in gainful occupation paying more than the difference between his retirement allowance and his final compensation at retirement, and should the board find that such member shall have refused any employment considered by the board suitable to his capacity, he shall not be entitled to any such allowance during the continuance of such refusal, unless in the opinion of the board such refusal was justified.

Section 23. Disability retirement allowance; cessation of. (1) Should a member receiving a disability retirement allowance recover from such a disability at any time prior to his normal retirement date, his disability retirement allowance shall cease, and if he re-enters the active employ of an employer within thirty days after such recovery, he shall continue to be a member of the system and shall thereafter make his required contributions. Any service on the basis of which his disability retirement allowance was computed shall thereafter be counted as service and, in addition, the period of disability retirement shall be counted as service.

(2) The excess, if any, of accumulated contributions of such members as of the date of disability retirement over the disability retirement allowances received by him shall be transferred from the retirement allowance account to the members' contribution account.

Section 24. Death or withdrawal before retirement; refund of contributions in event of. If a member has ceased to be an employee other than by death or by retirement under the provisions of Sections 1 to 39 of this Act, he shall be paid, on demand, but not later than ninety days thereafter, the amount of his accumulated contributions reduced by the amount of any retirement allowances previously received by him under any of the provisions of Sections 1 to 39 of this Act.

Section 25. Death after retirement; benefits. Should a member die at any time after retirement but before receiving total retirement allowances provided in Sections 1 to 39 of this Act at least equal to his accumulated contributions as of the date of his retirement, the difference between such accumulated contributions and such total allowances shall then be payable in a lump sum to the properly designated beneficiary, if then living; otherwise, to the estate of the deceased member, unless the retirement allowance is then being paid in accordance with any of the options contained in this Act.

Section 26. Optional Benefits. (1) Each member shall have the right, with respect to paragraph (a), (b), or (c) herein, to elect to have his retirement allowance payable under any one of the options set forth in this section in lieu of the retirement allowance otherwise payable to him upon retirement under any of the provisions of Sections 1 to 39 of this Act. The amount of any such optional retirement allowance shall be the actuarial equivalent of the amount of such retirement allowance otherwise payable to him. The member shall make such an election by written request to the board and such election shall be subject to the approval of the board.

(a) A member may elect to receive an increased retirement allowance in lieu of any death benefits as provided in Section 25 of this Act.

(b) The member may elect to receive a decreased retirement allowance during his lifetime and have such retirement allowance, or one-half thereof if so designated, continued after his death to another person during the lifetime of such person. In case of such an election death benefits that might otherwise be provided in Section 25 of this Act shall not be payable upon the death of the member. This option may not be elected by a member if the social security option of paragraph (c) herein has previously been elected.

(c) If a member retires prior to his sixty-fifth birthday, he may elect to receive an increased retirement allowance up to the date he commences to receive his primary insurance benefits under Federal Social Security and a decreased retirement allowance thereafter, thereby providing a more nearly level retirement allowance when such decreased retirement allowance is added to his anticipated primary benefits under the Federal Social Security Act. The election of this option shall automatically revoke any previous election under the joint and last survivor option of paragraph (b) herein.

(2) The election by a member of any one of the options stated in this section shall be null and void if the member dies prior to retirement, and the election by a member of option (b) shall be effective only if the beneficiary is living at the effective date of the member's retirement.

(3) A member who has elected any one of the options stated in this section may, at any time prior to the later of the effective date of the member's retirement or the date of written notification to the board of retirement of the member, revoke such an election by written notification to the board.

(4) If any service or disability retirement allowance provided in Sections 17 through 27 of this Act is less than $20.00 a month, the board may at its discretion pay the actuarial equivalent of such allowance in any other manner agreed on by the member and the board.

Section 27. Should a member die at any time before retirement, the amount of his accumulated contributions, reduced by the amount of any retirement allowances previously received by him under any of the provisions of Sections 1 to 39 of this Act, shall be payable in a lump sum to the properly designated beneficiary, if then living; otherwise, to the estate of the deceased member; provided, however, that if the member is in service at time of death and is eligible to retire on benefits payable as provided in Section 17 (1) and (2) of this Act, and has on file with the board at the time of his death a written designation of beneficiary, then said beneficiary shall receive an annual benefit payable monthly which shall be equal in amount to the benefit that would have been paid had the member retired immediately prior to his date of death and elected option (b) (100%) as provided in Section 26 so that the retirement allowance (not one-half thereof) shall be continued during the lifetime of the beneficiary. Nomination of beneficiary may be changed by the member at any time prior to retirement by written designation signed by a member in such manner and on such forms as shall be required by the board. Such changes shall be effective on the day such designation is received by the board.

Section 28. Board to administer system. (1) The system shall be administered by a Board of Trustees, which shall organize and begin to function at Frankfort, Kentucky, on or prior to the effective date of this Act, and shall meet monthly thereafter in Frankfort at such time and place as may be determined by the board. Said board shall consist of five persons appointed by the Governor who shall serve for terms of four years, except that one member of the first board shall be appointed for a term of one year, one member for a term of two years, one member for a term of three years and two members for a term of four years.

(2) Board members who are not residents of Frankfort shall receive a salary of $25.00 per day for each day they are in session or are on official duty. All board members shall receive per diem expenses as established by the board.

(3) The board shall elect a chairman and vice chairman. A majority of the members shall constitute a quorum, and all actions taken by the board will be by affirmative vote of a majority of the entire board. All vacancies on said board shall be filled by appointment for unexpired terms by the Governor.

(4) The board shall:

(a) Appoint an executive secretary, who shall be the secretary and the administrative officer of the board;

(b) Appoint such other employes as it deems necessary and fix the compensation for all employes of the board;

(c) Require such employes as it thinks proper to execute bonds for the faithful performance of their duties;

(d) Establish a system of accounting;

(e) Do all things, take all actions and make all rules and regulations, not inconsistent with the provisions of this Act, that it deems necessary or proper in order to carry out the provisions of this Act; provided that the Governor, by Executive Order, for administrative convenience and economy, may transfer the administrative functions of the board to any department or agencies of state government.

(5) All employes of said board shall serve during its will and pleasure.

(6) The board may employ its own attorney and legal advisor and pay a reasonable fee for his services.

(7) The board shall prepare and publish an annual financial report showing all receipts, disbursements, assets and liabilities. All its proceedings and records shall be open for inspection by the public.

(8) All expenses incurred by or on behalf of the board in the administration of the system during a fiscal year shall be paid from the retirement allowance account. The expenses incurred by the board in the administration of the system during any fiscal year shall not exceed $10,000, or two percent of the total employer and member contributions during such fiscal year, whichever is the larger.

Section 29. Investments; board to be trustee. (1) The board shall be the trustee of the several funds created by Sections 1 to 39 of this Act, and shall have full power to invest and re-invest such funds, subject to the limitation that no investment shall be made except upon the exercise of bona fide discretion, in securities which, at the time of making the investment, are, by law, permitted for the investment of funds by fiduciaries in this state. Subject to such limitation, the board shall have full power to hold, purchase, sell, assign, transfer or dispose of, any of the securities or investments in which any of the funds created herein have been invested, as well as the proceeds of such investments and monies belonging to such funds.

Section 30. Interest in investments by members of the board prohibited. No member of the board shall have any interest, direct or indirect, in the gains or profits of any investment made by the board, save insofar as any such member may be a member or beneficiary of the retirement system. No member of the board shall, directly or indirectly, for himself or as an agent, in any manner use the funds or deposits of the retirement system, except to make such payments therefrom as are authorized by the board; nor shall any member of the board become an endorser or surety or in any manner an obligor for monies loaned by or borrowed from the board.

Section 31. State Treasurer to be fiscal officer of the board. The State Treasurer shall be custodian of the fund created by this Act and he shall be responsible on an official surety bond for all cash and securities in his custody. All registered securities in the fund created by this Act shall be registered in the name "County Employes Retirement System" and every change in registration, by reason of sale or assignment of such securities, shall be accomplished by the signature of the State Treasurer, and securities shall be delivered by him when directed so to do by resolution of the board. All payments from said fund shall be made by him on warrants issued upon orders signed by such person as is designated for the purpose by the board. A duly attested copy of a resolution of the board designating such person and bearing on its face the specimen signature of such person shall be filed with the Commissioner of Finance as his authority for issuing warrants upon such orders. No order shall be signed unless it has previously been authorized by the board, which authorization shall be recorded on the records of the board.

Section 32. Medical examiners, employment of, duties. The board shall, from time to time, employ one or more physicians, practicing in the state and not members of the system, upon such terms and conditions as it may prescribe, whose duty it shall be to pass upon all medical examinations required under Sections 1 to 39 of the Act or by the board, and to investigate all health or medical statements and certificates made by or in behalf of any person in connection with the payment of money to such person under Sections 1 to 39 of this Act, and shall report in writing to the board his conclusions and recommendations upon all matters referred to him.

Section 33. Actuarial basis, adoption of, investigations, valuations. As soon as practicable after its organization, the board shall adopt such actuarial tables as are necessary for the administration of the system and for the annual determination of assets and liabilities of the system. At least once in each five-year period, the board shall cause an actuarial investigation to be made of all the experience under the retirement system. Pursuant to such investigation the board shall, from time to time, revise the actuarial tables previously adopted by the board and shall thereupon revise the bases of rates of contributions required under Sections 1 to 39 of this Act. All such investigations and evaluations must be certified to the board by a Fellow of the Society of Actuaries.

Section 34. Employer to prepare and furnish records; inform employe of duties and obligations. The employer shall prepare such records and, from time to time, shall furnish such information as the board may require in the discharge of its duties. Upon employment of a member, the employer shall inform the member of his duties and obligations in connection with the system as a condition of employment.

Section 35. Acceptance of employment under system; significance. Every member shall be deemed to consent and agree to any deduction from his compensation required by Sections 1 to 39 of this Act and to all other provisions thereof.

Section 36. Correction of errors in records; erroneous payments. Should any change or error in records result in any member or beneficiary receiving from the system more or less than he would have been entitled to receive had the records been correct, then on discovery of any such error the board shall correct the same, and as far as practicable shall adjust the payments in such a manner that the actuarial equivalent of the benefit to which the member or beneficiary was correctly entitled shall be paid.

Section 37. Retirement allowances exempt from taxation, execution and assignment. All retirement allowances and other benefits accrued or accruing to any person under the provisions of Sections 1 to 39 and the accumulated contributions and cash securities in the funds created under Sections 1 to 39 of this Act, are hereby exempted from any state, county, or municipal tax, and shall not be subject to execution, attachment, garnishment, or any other process whatsoever, nor shall any assignment thereof be enforceable in any court.

Section 38. Alteration, amendment or repeal. (1) The General Assembly of the Commonwealth of Kentucky reserves the right to alter, amend or repeal any provision of Sections 1 to 39 of this Act or any application thereof to any person; provided, however, that the amount of benefits which at the time of any such alteration, amendment or repeal shall have accrued to the extent provided under subsection (3) of this section for the members or beneficiaries shall not be affected thereby.

(2) If the General Assembly repeals the provisions of Sections 1 to 39 of this Act, the board shall continue to administer the system in accordance with the provisions of Sections 1 to 39 of this Act for the sole benefit of the then members, any beneficiaries then receiving retirement allowance, and any future persons entitled to receive benefits under one of the options provided for in Sections 1 to 39 who are designated by any of said members.

(3) In the event of repeal as provided in subsection (1) of this section the assets of the system shall be allocated by the board in an equitable manner to provide benefits for the persons designated in subsection (2) of this section in accordance with the provisions of Sections 1 to 39 of this Act, but based on years of service and final compensation as of the date of repeal and in the following order:

(a) For the benefit of the then members to the extent of their individual account in the members' retirement allowance account.

(b) If any funds remain, then for the benefit of the then beneficiaries and persons already designated by former members who are then beneficiaries under one of the options provided for in Sections 1 to 39 to the extent and in proportion of the then actuarial value of their retirement allowances.

(c) If any funds remain, then for the benefit of members and persons, if any, designated by members under one of the options provided for in Sections 1 to 39 of this Act, to the extent not provided under paragraph (a) herein of, and in proportion to, the then actuarial value of their accrued retirement allowances.

(4) In the event the assets at the date of repeal are insufficient to provide all of the benefits of paragraphs (a) or (b) of subsection (3), or both, then each employer will contribute to the assets from time to time, as and when required, the amount necessary to make up such insufficiency.

(5) The allocation of assets of the system provided for in subsection (3) of this section shall be carried out through the payment by the board of the benefits provided for in this section as they become due, or by the transfer of such assets to any retirement system replacing this system, provided that such vesting of benefits in the members or beneficiaries as are provided by this section shall be fully maintained under such new retirement system. Any funds remaining in the assets of this system after all of the vested benefits provided by this section have been paid shall revert to the employer.

(6) Any allocation of assets made in accordance with the provisions of this section shall be final and binding on all persons entitled to benefits under said provisions.

Section 39. False statements, falsification of records, penalty.

Any person who shall knowingly make any false statement or shall falsify or permit to be falsified any record or records of the system in any attempt to defraud the system shall, upon conviction thereof, be punished by fine not exceeding $1,000 or imprisonment not exceeding twelve months or both.

HB 548, AN ACT relating to school buses.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

No school bus shall be operated at a speed greater than forty-five miles per hour. The Department of State Police may, by regulation or order, lower this limit on any highway or in any area when local conditions make such lowering advisable.

HB 334, AN ACT relating to peremptory challenges allowed defendants.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 203 of Carroll's Kentucky Criminal Code of Practice is amended to read as follows:

(1) A defendant tried individually is entitled to fifteen peremptory challenges in prosecutions for felony, and to three peremptory challenges in prosecutions for misdemeanors.

(2) Where two or more defendants are tried together, each defendant shall be entitled to eight peremptory challenges in prosecutions for felony, and three peremptory challenges in prosecutions for misdemeanors.

Section 2. Section 198 of Carroll's Kentucky Criminal Code of Practice is hereby repealed in its entirety.

HB 468, AN ACT relating to the establishment of state tuberculosis hospital districts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 215.061 of the Kentucky Revised Statutes is amended to read as follows:

The commission shall divide the state into tuberculosis hospital districts. The commission shall have authority, with the approval of the Governor, to transfer counties from one district to another when necessary in order to utilize the hospital facilities efficiently.

HB 336, AN ACT relating to joinder of offenses charged in indictments, joinder of defendants therein, and the trial of such defendants, jointly, providing relief from prejudicial joinder and repealing Section 126(1), Section 127, and Section 237 of Carroll's Kentucky Criminal Code of Practice.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. *Joinder of Offenses.* – Two or more offenses may be charged in the same indictment, in a separate count for each offense, if the offenses charged are of the same or similar character or are based on the same act or transaction, or on two or more acts or transactions connected together or constituting parts of a common scheme or plan.

Section 2. *Joinder of Defendants.* – Two or more defendants may be charged in the same indictment if they are alleged to have participated in the same act or transaction or in the same series of acts or transactions constituting an offense or offenses. Such defendants may be charged in one or more counts together or separately, and all of the defendants need not be charged in each count.

Section 3. *Trial Together of Indictments.* – The Court may order two or more indictments or two or more counts in a single indictment to be tried together if the offenses, and the defendants, if there is more than one, could have been joined in a single indictment. The procedure shall be the same as if the prosecution were under such single indictment, or provide whatever other relief justice requires.

Section 4. *Relief From Prejudicial Joinder* – If it appears that a defendant or the Commonwealth is prejudiced by a joinder of offenses, or of defendants in an indictment, or by such joinder for trial together, the Court may order an election or separate trials of counts, or grant a severance of defendants.

Section 5. Sections 126(1), 127 and 237 of Carroll's Kentucky Criminal Code of Practice are hereby repealed in their entirety.

HB 526, AN ACT relating to incompatible positions.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 61.080 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall at the same time, be a state officer, a deputy state officer or a member of the General Assembly, and an officer of any county, city, or other municipality, or an employe thereof, or an officer or employe of any school district.

(2) The offices of justice of the peace, county judge, surveyor, sheriff, deputy sheriff, coroner, constable, jailer and clerk or deputy clerk of a court, shall be incompatible, the one with any of the others. The office of county judge and county school superintendent are incompatible.

(3) No person shall, at the same time, fill a county office and a municipal office.

(4) No person shall, at the same time, fill two municipal offices, either in the same or different municipalities.

(5) The following offices shall be incompatible with any other public office:

(a) Member of the Workmen's Compensation Board;

(b) Member of the Public Service Commission of Kentucky;

(c) Commissioner of the fiscal court in counties containing a city of the first class;

(d) County indexer;

(e) Member of the legislative body of cities of the first class;

(f) Mayor and member of the legislative body in cities of the second class; and

(g) Mayor and member of council in cities of the fourth class.

(6) No office in the Kentucky Active Militia shall be incompatible with any civil office in the Commonwealth, either state, county, district or city.

Section 2. A new section of the Kentucky Revised Statutes is created to read as follows:

No public school teacher shall resign his position for the purpose of becoming a candidate for election to the General Assembly. No person who has been a teacher in the public school system within the twelve months previous to the date of the primary election shall be eligible to become a candidate, in that election, for membership in the General Assembly. No school district shall employ a person who has resigned a teaching position for the purpose of becoming such a candidate.

HB 207, AN ACT relating to public accounting in county government.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Every county official charged by law with the receipt or disbursement of public funds shall deposit such funds in a depository approved by the fiscal court. Each account shall be set up for a previously designated purpose, and no personal funds of any county officer shall be commingled in any way with a public fund account.

Section 2. When any county official receives public moneys from any source, he shall issue a pre-numbered receipt therefor, and shall retain a stub bearing a corresponding number and showing the date and the amount so paid. Any license, permit, or registration form which provides its own numerical accountability shall be deemed a pre-numbered receipt for the purposes of this section.

Section 3. Every disbursement made by a county official shall be made by pre-numbered check, and a stub so numbered, showing the date and amount thereof, shall be retained. The Auditor of Public Accounts may prescribe by administrative regulations a different record for disbursements for nominal incidental expenses.

Section 4. Every county official shall file with the fiscal court an accounting of all funds received and disbursed by him each calendar year, within a reasonable time after the close of the year.

Section 5. Any county official who violates this Act shall be fined not more than one thousand dollars, or imprisoned not more than six months, or both.

SB 9, AN ACT relating to the levy of license taxes in cities of the first class; the disposition of same among the sinking fund, general fund and special capital fund account of such cities; restriction on ad valorem tax for sinking fund purposes, and the issuance and enforcement of licenses.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 91.200 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) The board of aldermen of every city of the first class, in addition to levying ad valorem taxes, may by ordinance impose license fees on franchises, provide for licensing any business, trade, occupation or profession, and the using, holding, or exhibiting of any animal, article, or other thing. License fees on such business, trade, occupation or profession for revenue purposes may be imposed at a percentage rate or rates not to exceed those hereinafter set forth on (a) salaries, wages, commissions and other compensations earned by every person within the city for work done and services performed or rendered in the city (all of such being hereinafter collectively referred to as "wages"), and (b) the net profits of all businesses, professions, or occupations from activities conducted in the city (hereinafter collectively referred to as "net profits"). Licenses imposed for regulatory purposes shall not be subject to such limitations as to form and amount. No company that pays an ad valorem tax and a franchise tax shall be required to pay a license tax, and no license tax shall be imposed upon or collected from any bank, trust company, combined bank and trust company or combined trust, banking and title business in this state, or in other case where the city is prohibited by statute from imposing a license tax.

The rate or rates fixed may be in accordance with either of the following plans:

(a) a rate on both "wages" and "net profits" of not to exceed one percent; or

(b) a rate on both "wages" and "net profits" of one and one-fourth percent.

Provided, however, that the authorization granted by this Act with respect to plan (b) shall expire as of December 31, 1958: provided further that, prior to said expiration date, the board of aldermen may by ordinance impose a rate of one and one-fourth percent for an indeterminate period of time, but no such ordinance shall go into effect until the expiration of thirty days after its passage. If during the thirty days next following the passage of such ordinance, a petition signed by a number of constitutionally qualified voters equal to fifteen (15) percent of the votes cast in the city at the last preceding general election, stating the residence of each signer, and verified as to signatures and residences by the affidavits of one or more persons is presented to the board of aldermen protesting against passage of such ordinance, the ordinance shall be suspended from going into effect and shall be reconsidered by the board of aldermen. If the ordinance is not then repealed, the board shall submit to the voters of the city, at a regularly scheduled election or at an election held for that purpose prior to January 1, 1959, the question as to whether a rate of one and one-fourth percent shall be levied. The question shall be so framed that the voter may by his vote answer "for" or "against." If a majority of the votes cast upon the question oppose its passage, the ordinance shall not go into effect. If a majority of the votes cast upon the question favor its passage the ordinance shall go into effect as of January 1, 1959.

(2) License fees or taxes shall be collected by the commissioners of the sinking fund. The proceeds from such taxes shall be paid to the secretary and treasurer of the sinking fund until income from all sources of the sinking fund shall be sufficient to pay the costs of administration and the interest charges for the current fiscal year of the sinking fund, in addition to a sum sufficient to amortize the outstanding principal indebtedness of the city on a yearly basis in accordance with regularly used amortization tables.

(3) Revenues remaining after meeting the foregoing requirements shall be transferred to the city. Such revenues shall be credited to the general fund of the city as received until such receipts during the fiscal year of the city shall reach the sum of five million dollars. Any revenues in excess of said amount received during the fiscal year of the city shall be placed in an account designated "Special Capital Fund Account" and expended for capital improvements as hereinafter defined; provided, however, fifty percent of the revenues so deposited to such Special Capital Fund Account during each fiscal year (commencing with the fiscal year in which this section shall become effective), or any lesser amount remaining in said fund at the end of such fiscal year, may be transferred to the general fund of the city at the beginning of the succeeding fiscal year; provided further, that whenever the unencumbered balance remaining in said Special Capital Fund Account exceeds one million dollars at the beginning of any fiscal year such excess may be transferred to the general fund of the city; provided, further, that funds from the Special Capital Fund Ac-

count may be encumbered for purposes other than capital improvements only after transfer to the general fund.

(4) The term "capital improvements" as used in this section shall be limited to additions or improvements of a substantial and permanent nature and services rendered in connection therewith, and shall include but not be limited to (a) the purchase of right-of-ways for highways, expressways and the widening of existing streets, (b) the purchase of lands for park, recreational and other governmental facilities and for public off-street parking facilities, (c) the purchase, construction, reconstruction, renovation or remodeling of municipal buildings, and facilities, (d) the replacement of machinery, wires, pipes, structural members or fixtures and other essential portions of municipal buildings, (e) the initial equipment of any newly-acquired facility wherein any essential governmental function of the municipality may be located or carried on, (f) the purchase and installation of traffic control devices and fire alarm equipment, (g) the reconstruction and resurfacing, but not routine maintenance, of streets and other public ways, (h) the acquisition of motorized equipment purchased as additions to, but not replacements for, existing equipment, and, (i) engineering and other costs incurred by the city in connection with the construction of public improvements financed under a special assessment plan or plans authorized in Chapter 93 of the Kentucky Revised Statutes.

(5) Ad valorem taxes for the benefit of the sinking fund shall not be levied unless the income of the sinking fund is otherwise insufficient to meet such requirements.

(6) Licenses shall be issued and enforced on such terms and conditions as may be prescribed by ordinance.

(7) If any section, paragraph, clause or provision of this statute shall be held invalid, the invalidity of such section, paragraph, clause, or provision shall not affect any of the remaining provisions.

HB 313, AN ACT relating to workmen's compensation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 342.122 of the Kentucky Revised Statutes is amended to read as follows:

(1) In addition to the taxes and assessments imposed by KRS 342.450 and 342.475, a Subsequent Injury Fund Tax at the rate of three-fourths of one per cent of the amount of premiums received shall be paid by every insurance carrier as defined in KRS 342.445, subject to the credits therein set out, and the board shall assess against the payrolls of every employer carrying his own risk a Subsequent Injury Fund Tax computed by taking three-fourths of one percent of the basic premiums determined as provided in KRS 342.475. The provisions of KRS 342.450, 342.455, 342.460, 342.465 and 342.470 shall, so far as ap-

plicable, also apply to the levy and collection of such additional tax of three-fourths of one per cent of such premiums of insurance carriers.

(2) All taxes and assessments imposed by subsection (1) of this section shall be paid into the State Treasury and shall be credited to the Subsequent Injury Fund for the board, which fund shall be used only for the payment of awards of compensation made by the board and chargeable against said fund, expenses of legal representation thereof, fees and expenses of the Medical Committee in connection therewith, and shall be withdrawn for that purpose under the supervision of the Commissioner of Industrial Relations.

(3) Any sum remaining in the Subsequent Injury Fund to the credit of the Workmen's Compensation Board at the end of any fiscal year shall be set up by the Department of Finance to the credit of the board in such fund for the next ensuing fiscal year.

(4) If the amount to the credit of the Subsequent Injury Fund as of June 30 of any year exceeds $150,000, the tax of three-fourths of one percent upon insurance premiums provided for under subsection (1) of this section and the three-fourths of one percent assessment upon employers carrying their own risk provided for under subsection (1) of this section shall not be assessed or collected during the ensuing year.

Section 2. Section 342.485 of the Kentucky Revised Statutes is amended to read as follows:

If the total net surplus to the credit of the maintenance fund on June 30 of any year exceeds $300,000 the tax provided for under KRS 342.475 shall not be assessed or collected during the ensuing year, and the tax provided for under KRS 342.450 shall be collected, but paid into the State Treasury to be credited to the General Fund instead of to the maintenance fund provided for in KRS 342.480.

HB 116, AN ACT relating to insurance and amending KRS 304.603.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 304.603 of the Kentucky Revised Statutes is amended to read as follows:

(1) Every insurer shall file with the commissioner, except as to inland marine risks which by general custom of the business are not written according to manual rates or rating plans, every manual, minimum, class rate, rating schedule or rating plan and every other rating rule, and every modification of any of the foregoing which it proposes to use. Every such filing shall state the proposed effective date thereof and shall indicate the character and extent of the coverage contemplated. When a filing is not accompanied by the information upon which the insurer supports such filing and the commissioner does not

have sufficient information to determine whether such filing meets the requirements of KRS 304.601 to 304.617, he shall require such insurer to furnish the information upon which it supports such filing and in such event the waiting period shall commence as of the date such information is furnished. The information furnished in support of a filing may include (a) the experience or judgment of the insurer or rating organization making the filing; (b) its interpretation of any statistical data it relies upon; (c) the experience of other insurers or rating organizations; or (d) any other relevant factors. A filing and any supporting information shall be open to public inspection after the filing becomes effective, except as provided in subsection (7) of this section. Specific inland marine rates on risks specially rated made by a rating organization, shall be filed with the commissioner.

(2) An insurer may satisfy its obligation to make such filings by becoming a member of, or a subscriber to, a licensed rating organization which makes such filings, and by authorizing the commissioner to accept such filing on its behalf; provided, that nothing contained in KRS 304.601 to 304.617 shall be construed as requiring any insurer to become a member of or a subscriber to any rating organization.

(3) No insurer shall file rates, manuals, rating plans or schedules made by a rating organization of which it is not a member or subscriber, nor shall it file those made by another insurer.

(4) The commissioner shall review filings as soon as reasonably possible after they have been made in order to determine whether they meet the requirements of KRS 304.601 to 304.617.

(5) Subject to the exceptions specified in subsections (6) and (7) of this section, each filing shall be on file for a waiting period of thirty days before it becomes effective, which period may be extended by the commissioner for an additional period not to exceed thirty days if he gives written notice within such waiting period to the insurer or rating organization which made the filing that he needs such additional time for the consideration of such filing. Upon written application by such insurer or rating organization, the commissioner may authorize a filing which he has reviewed to become effective before the expiration of the waiting period or any extension thereof. A filing shall be deemed to meet the requirements of KRS 304.601 to 304.617 unless disapproved by the commissioner within the waiting period or any extension thereof.

(6) Specific inland marine rates on risks specially rated by a rating organization shall become effective when filed and shall be deemed to meet the requirements of KRS 304.601 to 304.617 until such time as the commissioner reviews the filing and so long thereafter as the filing remains in effect.

(7) The commissioner may, when he deems it to be in the public interest, hold a public hearing on any filing before said filing becomes effective to determine whether or not the filing meets the requirements

of KRS 304.601 to 304.617. When the commissioner has determined that a hearing shall be held relative to any filing, the filing and any supporting information filed therewith shall be open to public inspection immediately upon the giving of notice as required by this subsection. Before such hearing the rating organization or insurer making such filing shall be given ten days written notice of the time and place of such hearing, and the public shall be given notice of same by publication in a newspaper of general circulation in the state. The commissioner shall promulgate reasonable regulations to prevent the avoidance of normal expirations and renewal dates of policies, or contracts of insurance, that may be affected by such filings. In the event that a hearing is held under the provisions of this section the waiting period specified in subsection (5) of this section shall not begin to run until thirty days after the close of such hearing.

(8) In the review of any filing made pursuant to this section either prior to its becoming effective, or upon a subsequent review as provided for in KRS 304.604, the burden of establishing that the filing under consideration meets the requirements of KRS 304.601 to 304.617 shall be on the insurer or rating organization which made such filing.

(9) Under such rules and regulations as he shall adopt, the commissioner may, by written order, suspend or modify the requirements of filing as to any kind of insurance, subdivision or combination thereof, or as to classes of risks, the rates for which cannot practicably be filed before they are used. Such orders, rules and regulations shall be made known to insurers and rating organizations affected thereby. The commissioner may make such examination as he may deem advisable to ascertain whether any rates affected by such order meet the standards set forth in paragraph (b) of subsection (1) of KRS 304.602.

(10) Upon the written application of the insured, stating his reasons therefor, filed with and approved by the commissioner, a rate in excess of that provided by a filing otherwise applicable may be used on any specific risk.

(11) No insurer shall make or issue a contract or policy except in accordance with filings which are in effect for said insurer as provided in KRS 304.601 to 304.617 or in accordance with subsections (9) and (10) of this section. This subsection shall not apply to contracts or policies for inland marine risks as to which filings are not required.

HB 108, AN ACT relating to insurance and amending KRS 304.627.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 304.627 of the Kentucky Revised Statutes is amended to read as follows:

(1) Every insurer shall file with the commissioner every manual of classifications, every manual of rules and rates, every rating plan

and every modification of any of the foregoing which it proposes to use. Every such filing shall state the proposed effective date thereof and shall indicate the character and extent of the coverage contemplated. When a filing is not accompanied by the information upon which the insurer supports such filing and the commissioner does not have sufficient information to determine whether such filing meets the requirements of KRS 304.625 to 304.644, he shall require such insurer to furnish the information upon which it supports such filing and in such event the waiting period shall commence as of the date such information is furnished. The information furnished in support of the filing may include (a) the experience or judgment of the insurer or rating organization making the filing; (b) its interpretation of any statistical data it relies upon; (c) the experience of other insurers or rating organizations; or (d) any other relevant factors. A filing and any supporting information shall be open to public inspection after the filing becomes effective, except as provided in subsection (7) of this section.

(2) An insurer may satisfy its obligation to make such filings by becoming a member of, or a subscriber to a licensed rating organization which make such filings, and by authorizing the commissioner to accept such filings on its behalf; provided, that nothing contained in KRS 304.625 to 304.644 shall be construed as requiring any insurer to become a member of or a subscriber to any rating organization.

(3) No insurer shall file rates, manuals, rating plans or schedules made by a rating organization of which it is not a member or subscriber, nor shall it file those made by another insurer.

(4) The commissioner shall review filings as soon as reasonably possible after they have been made in order to determine whether they meet the requirements of KRS 304.625 to 304.644.

(5) Subject to the exception specified in subsections (6) and (7) of this section, each filing shall be on file for a waiting period of thirty days before it becomes effective, which period may be extended by the commissioner for an additional period not to exceed thirty days if he gives written notice within such waiting period to the insurer or rating organization which made the filing that he needs such additional time for the consideration of such filing. Upon written application by such insurer or rating organization, the commissioner may authorize a filing which he has reviewed to become effective before the expiration of the waiting period or any extension thereof. A filing shall be deemed to meet the requirements of KRS 304.625 to 304.644 unless disapproved by the commissioner within the waiting period or any extension thereof.

(6) Any special filing with respect to a surety or guaranty bond required by law or by court or executive order or by order, rule or regulation of a public body, not covered by a previous filing, shall become effective when filed and shall be deemed to meet the re-

quirements of KRS 304.625 to 304.644 until such time as the commissioner reviews the filing and so long thereafter as the filing remains in effect.

(7) The commissioner may, when he deems it to be in the public interest, hold a public hearing on any filing before said filing becomes effective to determine whether or not the filing meets the requirements of KRS 304.625 to 304.644. When the commissioner has determined that a hearing shall be held relative to any filing, the filing and any supporting information filed therewith shall be open to public inspection immediately upon the giving of notice as required by this subsection. Before such hearing the rating organization or insurer making such filing shall be given ten days' written notice of the time and place of such hearing, and the public shall be given notice of same by publication in a newspaper of general circulation in this state. The commissioner shall promulgate reasonable regulations to prevent the avoidance of normal expirations and renewal dates of policies, or contracts of insurance, that may be affected by such filing. In the event that a hearing is held under the provisions of this section the waiting periods specified in subsection (5) of this section shall not begin to run until thirty days after the close of such hearing.

(8) In the review of any filing made pursuant to this section, either prior to its becoming effective, or upon a subsequent review as provided for in KRS 304.628, the burden of establishing that the filing under consideration meets the requirements of KRS 304.625 to 304.644 shall be on the insurer or rating organization which made such filing.

(9) Under such rules and regulations as he shall adopt, the commissioner may, by written order, suspend or modify the requirement of filing as to any kind of insurance, subdivision or combination thereof, or as to classes of risks, the rates for which cannot practically be filed before they are used, or not customarily made by rating organizations. Such orders, rules and regulations shall be made known to insurers and rating organizations affected thereby. The commissioner may make such examination as he may deem advisable to ascertain whether any rates affected by such order meets the standards set forth in paragraph (d) of subsection (1) of KRS 304.626.

(10) Upon written application of the insured stating his reasons therefor, filed with and approved by the commissioner, a rate in excess of that provided by a filing otherwise applicable may be used on any specific risk.

(11) No insurer shall make or issue a contract or policy except in accordance with filings which are in effect for said insurer as provided by KRS 304.625 to 304.644 or in accordance with subsections (9) and (10) of this section.

HB 428, AN ACT relating to criminal appeals to circuit court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 362 of the Criminal Code of Practice is amended to read as follows:

If a judgment against a defendant on a trial before a county judge, or in a justice's court, or in a city or police court, unless otherwise provided in the statutes creating or regulating it, be for imprisonment or for a fine of fifty dollars or more, he shall have the right of appeal to the circuit court of the county in which the judgment is rendered:

Provided, also, that an appeal shall lie from the Juvenile Session of the County Court to the Circuit Court from all orders and judgments whereby any infant, or other person, shall be restrained of his liberty, or placed in the custody of any institution, or fined, or punished, in any manner, whether in a criminal or quasi-criminal, civil, or other proceeding, and said appeal shall be prosecuted in the manner provided by this Chapter, except that the transcript when filed in the office of the Clerk of the Circuit Court shall be accompanied by a motion for an appeal, supported by an affidavit of merits, signed by the appellant, or if he be an infant, by his parent or guardian, or if such infant have no parent or guardian, then by his next friend, which affidavit shall state the nature of the controversy involved; that is to say, whether one of law or fact, and if one of fact, the nature and extent of the facts in controversy, so as to enable the Circuit Court or the presiding judge thereof to determine whether an appeal shall be allowed or denied.

HB 110, AN ACT relating to insurance and amending KRS 304.033.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 304.033 of the Kentucky Revised Statutes is amended to read as follows:

For the purpose of ascertaining its condition or compliance with this code the commissioner may, as often as he deems prudent examine the insurance accounts, records, documents, and transactions of:

(1) Any insurance agent, solicitor, surplus line broker or public adjuster.

(2) Any person having a contract under which he enjoys in fact the exclusive or dominant right to manage or control an insurer.

(3) Any person holding the shares of capital stock or policyholder proxies of a domestic insurer for the purpose of control of its management either as voting trustee or otherwise.

(4) Any person engaged in or proposing to be engaged in or assisting in the promotion or formation of a domestic insurer, or insurance holding corporation, or stock corporation to finance a domestic

mutual insurer, or a corporation to be attorney-in-fact for a domestic reciprocal insurer.

(5) Any person engaged in or proposing to be engaged in or reputed to be engaged in or apparently engaged in the business of insurance or any of the occupations, endeavors, businesses or positions enumerated in subsections (1), (2), (3) and (4) of this section.

(6) Any employe welfare fund or plan established by one or more employers or one or more labor organizations or both, to provide whether through the purchase of insurance or annuity contracts or otherwise, benefits under an employe welfare plan or any similar plan or operation with similar objects and purposes.

HB 233, AN ACT relating to terms of court for the thirty-fourth judicial district.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The preamble and subsection (34) of Section 23.050 of the Kentucky Revised Statutes is amended to read as follows:

The regular term of each court shall commence in each county at the following named time, and continue, if the business requires it, the number of days hereinafter prescribed:

(34) Whitley County, at Williamsburg, on the second Monday in January, the second Monday in April, the second Monday in June, and the first Monday in October, twenty-four juridical days each.

McCreary County, at Whitley City, on the third Monday in February, twenty-four juridical days; the second Monday in May, eighteen juridical days; the first Monday in September, twenty-four juridical days, and the second Monday in November, twenty-four juridical days each.

HB 335, AN ACT relating to peremptory challenges allowed the Commonwealth in the selection of juries in criminal cases.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 204 of Carroll's Kentucky Code of Practice is amended to read as follows:

1. In prosecutions involving only one defendant, the Commonwealth shall be entitled to eight peremptory challenges in prosecutions for felony, and to three in prosecutions for misdemeanors.

2. In prosecutions where two defendants are tried together, the Commonwealth shall be entitled to twelve peremptory challenges in prosecutions for felony, and four peremptory challenges in prosecutions for misdemeanors.

3. When three or more defendants are tried together, the Commonwealth shall be entitled to four peremptory challenges, multiplied by the number of defendants in prosecutions for felony, and to two

peremptory challenges, multiplied by the number of defendants in prosecutions for misdemeanors.

HB 442, AN ACT relating to state lands and buildings.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 56.500 of the Kentucky Revised Statutes is amended to read as follows:

No state agency, except as provided in this Chapter, shall have power or authority:

(1) To acquire by purchase, lease, condemnation or other means involving the expenditure of money, any real estate, except that any state agency having the power under other laws to acquire by purchase, lease, condemnation or other means may continue to exercise that power subject to the approval of the Commissioner of Finance;

(2) To lease, sell or convey any real estate belonging to the state or to any state agency, except that any state agency having the power under other laws to lease, sell or convey real estate devoted to the exclusive use of such agency may continue to exercise that power subject to the approval of the Commissioner of Finance.

Section 2. A new section of the Kentucky Revised Statutes is created to read as follows:

In any case where the real estate that is proposed to be sold, pursuant to KRS 56.463, is in the custody of a state agency, the department may submit to such agency a general description of the intended use of the land, along with such detailed information as the agency may require, but the finding of the department on the question of selling and conveying the real estate shall be final.

Section 3. A new section of the Kentucky Revised Statutes is created to read as follows:

When the department finds that buildings and improvements are needed on land owned by the state or any state agency to promote the purposes of the state or such state agency, it may, in addition to the other methods prescribed by law, authorize the construction of such buildings and improvements by private capital under a lease-back agreement consistent with such purposes.

To accomplish such a plan, the department may convey to a private corporation or individual subject to a contract to construct such buildings and improvements and to reconvey the land, buildings and improvements to the state encumbered by a mortgage to secure a portion of the construction costs, provided the mortgage shall not constitute a general obligation or debt of the commonwealth and that in the event of default, the commonwealth may, if it so elects, redeem the mortgage. Any such authorization shall be made only with the consent of any state agency occupying or using the land and shall be in the name of the Commonwealth of Kentucky and shall be signed by the Commissioner of Finance and the Governor and lodged for record in the office of the Secretary of State.

HB 420, AN ACT relating to cities of the first class.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The legislative body of a city of the first class may enact ordinances prohibiting hotels, restaurants, places of amusement, stores or shops where food, wares or services are offered to the public, public conveyances, hospitals, theaters, and all property or buildings supported in whole or in part by public funds from refusing or denying services or facilities to any citizen, patron or prospective customer on account of race, creed or color.

HB 141, AN ACT relating to police judges.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 26.650 of the Kentucky Revised Statutes is amended to read as follows:

City legislative bodies of cities of the second class may, by proper legislation, provide for pensions for police court judges who have become fifty years of age and have served as a regular police judge for a period of twenty years, including service prior to July 1, 1958.

Section 2. Section 26.660 of the Kentucky Revised Statutes is amended to read as follows:

A police judge who is eligible for a pension and retires from office shall be paid out of the police judge pension fund a pension each year equal to the sum of one-half his annual salary at the time of retirement, for life. If the pension legislation has been adopted by any city legislative body at the time of said retirement, it shall not be altered or changed during the time of the pension period of the retiring judge.

HB 430, AN ACT relating to expense account for county attorney.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) A county attorney shall be paid each month, the sum of one hundred and twenty-five dollars, as reimbursement for expenditures made in the performance of his official duties, for postage, telephone service, supplies, stationery, and books and periodicals. The sums so received shall be expended by each county attorney in his discretion, the manner in which the same shall be applied in payment or reimbursement of such expenses being determined by such officer.

(2) The fiscal court of each county is authorized to pay the said

monthly sum mentioned in subsection (1) to the county attorney out of the excess fees turned into the fiscal court by the county attorney.

HB 429, AN ACT relating to right of trial by jury in criminal cases in inferior courts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 319 of the Criminal Code of Practice is amended to read as follows:

The issues of law and fact shall be tried by the judge, in all cases in which the only punishment is a fine of fifty dollars or less; in other cases the defendant may demand that issues of fact be tried by a jury.

Section 2. Section 331 of the Criminal Code of Practice is amended to read as follows:

The issues of law and fact shall be tried by the justice, in all cases in which the only punishment is a fine of fifty dollars or less. In other cases the defendant may demand that issues of fact be tried by a jury.

HB 535, AN ACT relating to interstate agreement on handling of persons on parole and probation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The General Assembly of the Commonwealth of Kentucky ratifies the amendment to the Interstate Compact for the Supervision of Parolees and Probationers set out in KRS 439.560, which amendment is known as the Out-of-State Incarceration Amendment, and which reads as follows:

(1) Whenever the duly constituted judicial and administrative authorities in a sending state shall determine that incarceration of a probationer or reincarceration of a parolee is necessary or desirable, said officials may direct that the incarceration or reincarceration be in a prison or other correctional institution within the territory of the receiving state, such receiving state to act in that regard solely as agent for the sending state.

(2) As used in this amendment, the term "receiving state" shall be construed to mean any state, other than the sending state, in which a parolee or probationer may be found, provided that said state is a party to this amendment.

(3) Every state which adopts this amendment shall designate at least one of its correctional institutions as a "Compact Institution" and shall incarcerate persons therein as provided in subsection (1) hereof unless the sending and receiving state in question shall make specific contractual arrangements to the contrary. All states party to this amendment shall have access to "Compact Institutions" at all reasonable hours for the purpose of inspecting the facilities thereof and for

the purpose of visiting such of said state's prisoners as may be confined in the institution.

(4) Persons confined in "Compact Institutions" pursuant to the terms of this compact shall at all times be subject to the jurisdiction of the sending state and may at any time be removed from said "Compact Institution" for transfer to a prison or other correctional institution within the sending state, for return to probation or parole, for discharge, or for any other purpose permitted by the laws of the sending state.

(5) All persons who may be confined in a "Compact Institution" pursuant to the provisions of this amendment shall be treated in a reasonable and humane manner. The fact of incarceration or reincarceration in a receiving state shall not deprive any person so incarcerated or reincarcerated of any rights which said person would have had if incarcerated or reincarcerated in an appropriate institution of the sending state; nor shall any agreement to submit to incarceration or reincarceration pursuant to the terms of this amendment be construed as a waiver of any rights which the prisoner would have had if he had been incarcerated or reincarcerated in any appropriate institution of the sending state, except that the hearing or hearings, if any, to which a parolee or probationer may be entitled, (prior to incarceration or reincarceration) by the laws of the sending state may be had before the appropriate judicial or administrative officers of the receiving state. In this event, said judicial and administrative officers shall act as agents of the sending state after consultation with appropriate officers of the sending state.

(6) Any receiving state incurring costs or other expenses under this amendment shall be reimbursed in the amount of such costs or other expenses by the sending state unless the states concerned shall specifically otherwise agreed. Any two or more states party to this amendment may enter into supplementary agreements determining a different allocation of costs as among themselves.

(7) This amendment shall take effect when ratified by any two or more states party to the compact and shall be effective as to those states which have specifically ratified this amendment. Rules and regulations necessary to effectuate the terms of this amendment may be promulgated by the appropriate officers of those states which have ratified this amendment.

HB 542, AN ACT relating to the Public Service Commission.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 278.040 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Public Service Commission shall regulate utilities and enforce the provisions of this chapter. The commission shall be a body

corporate, with power to sue and be sued in its corporate name. The commission may adopt a seal bearing the name "Public Service Commission of Kentucky," which seal shall be affixed to all writs and official documents, and to such other instruments as the commission directs, and all courts shall take judicial note of the seal.

(2) The jurisdiction of the commission shall extend to all utilities in the Commonwealth. The commission shall have exclusive jurisdiction over the regulation of rates and service of utilities.

(3) The jurisdiction of the commission shall not extend to a utility owned by a city regardless of whether a utility owned by a city furnishes services to consumers outside the city limits, and regardless of whether a city-owned utility that furnishes services to consumers outside the city limits charges those consumers a rate different from the rate it charges for comparable services to consumers inside the city limits, nor to a water district organized under KRS Chapter 74, operating either within or beyond the district boundaries.

(4) The commission may investigate the methods and practices of utilities to require them to conform to the laws of the Commonwealth, and to all reasonable rules, regulations and orders of the commission not contrary to law.

HB 476, AN ACT relating to motor transportation, providing a change in bus mileage taxes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 281.815 of the Kentucky Revised Statutes is hereby repealed and re-enacted to read as follows:

(1) On or before January 1 of each year, and as a condition precedent to the use of the highways, every motor carrier primarily engaged in transporting passengers for hire shall pay to the Department of Motor Transportation for the privilege of using the highways an annual tax upon each motor vehicle so used, as follows: Four dollars and fifty cents for each regular seat for the first thirty-one seats, and eight dollars for all seats in excess of thirty-one; except that taxicabs, city busses, industrial busses, suburban busses, and U-Drive-Its, shall pay the fees set forth in subsection (3) of this section.

(2) Every motor carrier primarily engaged in transporting passengers for hire shall pay to the Department of Motor Transportation for the privilege of using the highways, including deadhead mileage, a mileage tax as follows: Busses with one to twenty regular seats, inclusive, none; busses with twenty-one to twenty-nine regular seats, inclusive, one-fourth of a cent per mile; busses with thirty to thirty-four regular seats, inclusive, one-half of a cent per mile; busses with thirty-five to thirty-nine regular seats, inclusive, three-fourths of a cent per mile; busses with forty regular seats or more, one cent per mile.

(3) Taxicabs, city, suburban, and industrial busses, and U-Drive-Its, shall pay a license fee based upon seating capacity as follows:

Each taxicab	$3.00 per seat
Each city bus	1.50 per seat
Each industrial bus	2.50 per seat
Each suburban bus	1.50 per seat
Each U-Drive-It Passenger Car	2.50 per seat

(4) All cities of the Commonwealth are hereby authorized to impose an annual license tax on all taxicabs certified by the Department of Motor Transportation for operation in said city, which license tax shall not exceed thirty dollars per taxicab.

(5) All cities of the Commonwealth are hereby authorized to impose a mileage tax upon city busses when operating in said city under the authority of a city bus certificate, provided that said mileage tax shall not be in excess of one-fourth of a cent per mile operated in said city, and, in computing said mileage tax, miles operated upon roads or streets maintained by the Commonwealth or by any other governmental agency, except the city, shall not be counted.

Section 2. This Act shall become effective July 1, 1958.

HB 106, AN ACT relating to insurance and permitting adoption of basic policy contract forms.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The commissioner shall adopt uniform basic policy contract forms for each of the following kinds of insurance:
(a) Fire Insurance
(b) Automobile Liability Insurance
(c) Automobile Physical Damage Insurance.

Section 2. When the commissioner deems it to be in the public interest, he may adopt uniform basic policy contract forms for any kind or kinds of insurance, subdivision or combination thereof, or type of coverage.

Section 3. A uniform basic policy contract form shall establish, by use of standard language, minimum coverage for each type of policy contract. Uniform basic policy contracts may be extended or broadened to provide additional coverages, above the minimum requirements, either by endorsement, rider, or additional policy provision, provided such endorsement, rider, or additional policy provision extending or broadening the coverage has been approved by the commissioner for such use, and that approved rates or premiums are applied thereto.

HB 545, AN ACT relating to the powers of state police within cities, repealing KRS 16.120.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 16.120 of the Kentucky Revised Statutes is hereby repealed.

HB 443, AN ACT relating to retirement for State Police Officers.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. *Definitions.*

As used in this Act unless the context otherwise requires:

(1) "System" means the State Police Retirement System created by this Act;

(2) "Board" means the Board of Trustees of the Kentucky Employes Retirement System;

(3) "Employer" or "State Police" means the Division of State Police of the Department of Public Safety, or its successor;

(4) "Current Service" means the number of years and completed months of uninterrupted employment as an employe subsequent to the effective date of this system, for which service compensation is paid by the employer;

(5) "Prior Service" means the number of years and completed months of employment as an employe prior to the effective date of the system, for which compensation was paid to the employe by the Commonwealth;

(6) "Service" means the total of current service and prior service;

(7) "Beneficiary" means any person designated in writing as beneficiary for benefits payable on death of a member, signed in such manner and on such forms as may be required by the board, and duly filed with the board; or it means the member's estate if no designation of beneficiary is on file with the board;

(8) "Accumulated Contributions" at any time means the sum of all amounts deducted from the compensation of a member and credited to his individual account in the member's contribution account, together with interest credited on such amounts as provided in this Act, and any other amounts the member shall have contributed thereto, including interest credited thereon;

(9) "Creditable Compensation" means the regular base pay including pay for longevity received by an employe working full time for the employers; living allowances, expense reimbursements, payments received after the date of termination of employment for accrued vacation leave, and other such items as are determined by the board shall be excluded;

(10) "Final Compensation" at any time means the creditable compensation a member was paid during the five calendar years he was paid the highest average monthly rate of any of the ten years of credit-

able compensation preceding such time, divided by the number of months of service during such five year period; such five years may be fractional, need not be consecutive, and include only the years during which creditable compensation is received by the member;

(11) "Retired Member" means any member entitled to receive benefits under the provisions of this Act;

(12) "Retirement Allowance" means the retirement payments to which a retired member is entitled;

(13) "Actuarially Equivalent Benefits" means benefits which are of equal value when computed upon the basis of such actuarial tables as are adopted by the Board;

(14) "Authorized Leave of Absence" means any time during which a person is absent from employment but as provided in Section 8 of this Act retained in the status of an employe in accordance with the personnel policy of the Division of State Police;

(15) "Normal Retirement Date" means the first day of the month following or coinciding with a member's fifty-fifth birthday, except that for members over age fifty-five on the effective date of the system, it shall mean the first day of the month six months following the effective date of the system;

(16) "Disability Retirement Date" means the first day of the month following six complete months of total and permanent disability or partial disability;

(17) "Dependent Child" means a child en ventra sa mere and a natural or legally adopted child of the member who has neither attained age eighteen nor married;

(18) "Optional Allowance" means an actuarially equivalent benefit elected by the member in acordance with provisions of Section 27 of this Act, in lieu of all other benefits provided by this Act;

(19) "Vested Amount" at any time after fifty-five means the actuarially determined value at normal retirement dates of benefits otherwise payable beginning on the normal retirement date together with interest thereon compounded at the rate of interest used to determine the amount of interest credited to individual accounts; and

(20) "Disability Ratio" means that percentage determined by the board as being applicable to the degree of disability suffered or incurred by a member.

Section 2. *Retirement System Established.*

There is hereby created and established:

(1) A retirement system for State Police to be known as the "State Police Retirement System" by and in which name it shall, pursuant to the provisions of this Act, transact all of its business, and shall have the powers and privileges of a corporation; and

(2) A State Fund, to be known as the "State Police Retirement Fund", which shall consist of all the assets of the system as set forth in Section 11.

Section 3. *Former Membership in Kentucky Employes Retirement System; Transfer of Contributions.*

Beginning on the effective date of this system:

(1) Members of the system established by this Act shall have no further right to participate in the Kentucky Employes Retirement System;

(2) The Kentucky Employes Retirement System shall have no liability for any benefits to members of this system;

(3) No contributions to Kentucky Employes Retirement System shall be made with respect to subsequent payrolls, by or in behalf of members of this system;

(4) As soon as practicable, but within three months of the effective date of this system, the Board of Trustees of the Kentucky Employes Retirement System will establish a separate fund for the system created by this Act and will pay to the State Police Retirement System one hundred percent of the amount of accumulated contributions of members whose membership therein is terminated by this Act, and ninety-eight percent of the amount of contributions of the Department of Public Safety, with respect to such former members.

Section 4. *Membership.*

(1) Membership in the system shall consist of all officers of the Kentucky State Police on the effective date of this system, who are entitled to exercise the powers of peace officers, and who hold permanent rank in the Division of State Police up to and including the rank of captain, and all persons who become such officers subsequent to the effective date of this system.

(2) After the effective date of this Act, no person who is age thirty-one or over shall be eligible to become an employe of the Kentucky State Police.

Section 5. *Conditions of Cessation of Membership.*

(1) The membership of any person in the system shall cease upon:

(a) Withdrawal of his accumulated contributions at any time after termination of employment, regardless of length of service;

(b) The date benefits payable under this system are first paid;

(c) Death;

(d) Termination of employment prior to the completion of five years of service; and

(e) Termination of employment with prejudice at any time.

(2) For purposes of this Act, "termination of employment with prejudice" shall mean termination as a result of conviction of a member in a court of competent jurisdiction, of a felony, embezzlement or larceny of public funds or property, malfeasance in office, or the forcing of a member to make restitution of any funds or property criminally taken by said member at the time of termination of employment,

or found guilty by the board of conduct deemed inimicable to the State Police or conduct not in keeping with the code of conduct prescribed for employes.

Section 6. *Statements to be Filed.*

Under such rules and regulations as are adopted by the board, each employe becoming a member on the effective date of the system shall file with the board, on such forms as the board may prescribe, a statement of the facts pertaining to his status as a member which shall include a detailed description of all service rendered prior to the effective date of this system. Until such statement is filed, no member or his beneficiary shall be entitled to receive any benefits under this Act As soon as practicable after said statement is filed, the board shall ascertain the amount of prior service, if any, to which each member is entitled and shall issue to each member a certificate certifying the length of such service rendered by him.

Section 7. *Years of Service.* The board shall determine by appropriate rules and regulations how much service in any year is the equivalent of a year of service, but in no case shall it allow credit for more than one year of service for all services rendered during any period of twelve consecutive months.

Section 8. *Authorized Leave of Absence.* Authorized leave of absence shall not be deemed an interruption of creditable service or a cessation of membership. Time while on authorized leave shall be credited as service for purposes of this Act as follows:

(1) Credit shall be allowed for service in the Armed Forces of the United States, provided the member entered said Armed Forces after first participating in the system and provided he returns to employment within six months of discharge. In no case, however, will more than six years of such service be considered creditable service.

(2) Credit shall be allowed for leave of absence for educational purposes, whether with or without pay.

(3) Credit shall be allowed for illness not covered under this plan, provided such illness is properly substantiated on request of the employer or board.

(4) Credit shall be allowed for absence from employment, with or without pay, if authorized by the employer and approved by the board.

Section 9. *Contributions of Members.*

(1) Except for members over age fifty-five on the effective date of this system who shall not be required to contribute, each member shall, commencing on the date he becomes a member, contribute for each pay period for which he receives compensation, whether or not on authorized leave of absence, ten percent of his creditable compensation reduced by the Social Security taxes paid for said pay period.

(2) The Commissioner of Finance shall cause to be deducted from the compensation of each member for each and every payroll period subsequent to the effective date of the system, the contributions payable by such member as provided in this Act.

(3) In determining the creditable compensation of a member in a payroll period, the board may consider the rate of compensation payable to such member on the first day of the payroll period as continuing throughout such payroll period; to facilitate meeting deduction requirements, the board may allow omission of a deduction of any fractional amount less than one dollar from any member in any payroll period. Deductions from compensation for any period less than a full payroll period for any employe not a member on the first day of the payroll period may be omitted if such procedure is authorized by the board.

(4) Every member shall be deemed to consent to deductions made as provided herein; and the payment of salary or compensation less such deduction shall be a full and complete discharge of all claims for services rendered by such person during the period covered by such payment, except as to any benefits provided by this Act.

(5) Notwithstanding any other provisions of this Section, no deduction shall be made from any member's compensation if the employer's contribution required hereunder is in default.

Section 10. *Contributions of employer.*

(1) The employer shall contribute monthly, beginning with the month of the effective date of the system. Contributions made each month shall equal an amount based on a "normal contribution percentage" of the creditable compensation of the members, to be known as the "normal contribution" and an additional amount based on a "past service liability contribution percentage" of such creditable compensation to be known as the "prior service liability contribution."

(2) Until the prior service liability contribution is no longer required, the "normal contribution percentage" shall be determined at such rate payable during the member's periods of service while under the system as necessary to provide the retirement allowances due to such periods of service not provided by the members' contributions. After the prior service contribution is no longer required, the "normal contribution percentage" shall be determined as such annual rate payable during the members' periods of service under the system as necessary to provide the difference between the total liabilities for retirement allowances not provided by members' contributions and the amount of assets in retirement allowance accounts.

(3) The "prior service liability contribution percentage" shall be such annual amount required to provide for the liquidation, within thirty years of the effective date of the system, of the liabilities for retirement allowances due to prior service with the employer. The unfunded prior service liability at any time shall be the excess, if any,

of the then present value of the retirement allowances due to prior service over the total accumulated prior service liability contributions previously made with interest on such contributions at the rates of interest earned each year on the assets of the system.

(4) Normal contributions and the prior service liability contributions shall be determined on actuarial bases adopted by the board. Such contributions shall be determined by the board after each valuation and shall continue in force until a new valuation and determination by the board is made.

(5) The board shall furnish to the employer prior to the beginning of each fiscal year, its best estimate of the normal contributions, the prior service liability contributions and the expense allowance for administering the system, necessary to meet the provisions of this Act during the fiscal year next following. The estimated amount so furnished shall be included in the budget for the employer and the employer shall make available to the board sufficient funds to provide actual amounts necessary for contributions and expenses.

(6) The aggregate employer contributions payable into the retirement allowance account shall be at least sufficient, when combined with the amounts then held in the accounts, to provide the benefits payable from such accounts during the current year.

Section 11. *Assets credited to one of two accounts.*

All the assets of the system shall be held and invested in the State Police Retirement Fund and credited, according to the purpose for which they are held, to one of two accounts: the "member contribution account" or the "retirement allowance account."

Section 12. *Member Contribution Account.*

(1) The member contribution account shall be the account to which all members' contributions and interest allowances as provided in this Act shall be credited; only funds from this account shall be used to return accumulated contributions of a member when required by reason of any provision of this Act.

(2) The Commissioner of Finance shall, at the end of each payroll period, transfer to the member contribution account an amount equal to the aggregate amount of the deduction made for the preceding payroll period from the salaries of all members. The Commissioner of Finance shall forward a record of all such transfers to the board.

(3) Each member's contribution shall be credited to the individual account of the contributing member.

(4) Each individual account of the member contribution account shall be credited annually with interest at the rate specified by the board but not less than two and one-half per centum per annum on the accumulated contributions of the member; provided, however, that interest shall accrue on any such contribution beginning at the end of the fiscal year in which such contribution was made. Such

amounts so credited shall be transferred from the retirement allowance account.

(5) Accumulated contributions shall be transferred from a member contribution account to the retirement allowance account at the time of termination from employment for any reason except as provided in subsection (1).

(6) Included as a part of each member's contribution account shall be his accumulated contributions in the Kentucky Employes' Retirement System, if any, transferred to this system.

Section 13. *Retirement allowance account.*

The retirement allowance account shall be the account in which shall be accumulated all employer contributions, amounts transferred from the member contribution account, and to which all income from the investment assets of the system shall be credited. From this account there shall be paid administrative expenses and in addition all benefits payable under this Act. There shall be transferred from this account to the member contribution account the interest credited annually to each member's individual accounts.

Section 14. *Deposits.*

For the purpose of meeting disbursements for retirement allowances and other payments, there may be kept available cash, not exceeding ten percent of the total amount in both accounts of the system, on deposit in one or more banks or trust companies that are designated by the State Treasurer as depositories for funds of the State. The members of the board shall not be liable for any loss sustained as to such funds that are on deposit in such banks or trust companies.

Section 15. *Minimum Benefits.*

(1) A person whose membership has ceased prior to the completion of five years of service, or as a result of termination of employment with prejudice, shall be eligible to receive a lump sum payment equal to his accumulated contributions determined on the date of cessation of membership.

(2) A person entitled to receive benefits as provided by Sections 18-26 may elect in lieu of all such benefits either of the following benefits:

(a) A lump sum payment equal to the value of accumulated contributions determined on the date such entitled benefits would otherwise commence, or

(b) Monthly payments for fifteen years certain, commencing on the member's otherwise normal retirement date, equal on said date to the then value of his vested retirement benefit. This provision shall not apply in event of death of a member following termination of employment but prior to his attainment of age fifty-five.

(3) In event of termination of disability, the difference, if any, between accumulated contributions at the member's disability retire-

ment date and benefits paid by reason of disability shall be refunded to the recovered retired member.

Section 16. *Disability.*

(1) Total and permanent disability as used in this Act shall mean such disability as results in a member's incapacity to engage in any occupation for remuneration or profit, which disability is the result of bodily injury or disease suffered or contracted in line of duty and which has existed continuously for a period of six months. Total disability of six month's duration is considered as permanent only for the purpose of determining eligibility for commencement of benefits. Loss by severance of both hands at or above the wrists, or both feet at or above the ankle, or one hand above the wrist and one foot above the ankle, or the complete, irrecoverable loss of the sight of both eyes shall be considered as total and permanent disability. The "disability ratio" shall be deemed one hundred percent in the case of total and permanent disability.

(2) Partial disability as used in this Act shall mean such disability as results in a member's incapacity to continue as an employe of the employer, and which disability has incapacitated such member continuously for six months and is the result of bodily injury or disease suffered or contracted in line of duty. The board shall have full power and exclusive authority to determine the existence of partial disability; it shall establish by appropriate findings utilizing consistent procedures, including services of an examiner, the disability ratio applicable to such disabled member.

(3) Notwithstanding the provisions of subsections (1) and (2), no injury shall be deemed to be disability within the provisions of this Act if such injury results directly or indirectly from:

(a) Injury intentionally self-inflicted while sane or insane;

(b) Injury or disease resulting from military service; or

(c) Disease suffered or contracted prior to date of employment as an employe of the employer.

(4) Upon termination of disability a member or retired member eligible for disability benefits under this Act shall lose all rights to such benefits that would be paid subsequent to the termination of disability, except as provided in Section 15 (3) of this Act.

(5) Once each year the board may require any retired member receiving a disability benefit who has not reached the age of fifty-five to undergo a medical examination by an examiner designated by the board, such examination to be made at a place near the residence of such retired member or such other place as may be mutually agreed upon. If it appears from such medical examination that the disability of said retired member has changed or that his earning capacity has changed since the date disability payments commenced, the board shall revise the retired member's "disability ratio" consistent with such

findings and disability benefits to the retired member shall be adjusted beginning with the next benefit payment.

Should any member receiving a retirement allowance by reason of disability refuse to submit to such medical examination, his disability benefits shall be discontinued until he shall actually undergo such medical examination, and should he fail to undergo such medical examination for one year, all his right in and to his disability benefits shall cease. If a retired member has his disability benefit hereunder discontinued prior to age fifty-five and if such member is re-employed by the employer within six months following the date said disability ceases, then his service shall not be deemed to have ceased or been interrupted for purposes of determining benefits upon normal retirement.

(6) Total and permanent disability shall be deemed to cease in event a retired member receiving a benefit by reason of total and permanent disability engages in gainful occupation or work of any sort.

(7) Notwithstanding any provision of this Act to the contrary, no benefit provided in Sections 21 and 22 shall be reduced as a result of any change in the extent of disability or the disability ratio with respect to any retired member who is age fifty-five or over.

Section 17. *Normal Retirement.*

A member shall terminate employment on his normal retirement date. Upon such retirement, the member shall receive a monthly normal retirement allowance payable for life equal to one and one-half percent of final compensation for each year of service. The amount paid each month by the system will be reduced beginning with the first payment following the sixty-fifth birthday by eighty-five percent of the monthly primary insurance amount under Social Security determined on the assumption that said member would be eligible to receive the maximum primary insurance amount determined under the Social Security law in force at the time of his normal retirement. However, in lieu of any benefit to commence on his normal retirement date, the member may elect to receive a delayed allowance as provided in Section 19 of this Act.

Section 18. *Vested Deferred Benefits.*

Any member who has completed at least five years of service at the time of termination of employment shall receive on his otherwise normal retirement date a retirement allowance payable for life computed as if it were a normal retirement allowance, but based on service completed at time of termination of employment. Upon death after termination of employment and prior to the attainment of age fifty-five, such deceased member's designated beneficiary shall be paid the then amount of the retired member's accumulated contributions.

Section 19. *Delayed Allowance.*

In lieu of a retirement allowance to commence at normal retirement date, a member, or retired member who had terminated employment prior to his otherwise normal retirement date, shall have the right, by proper written election to the Board of Trustees in such manner as the board shall prescribe, to receive a monthly benefit to commence at any time subsequent to the attainment of age fifty-five, but not later than the first day of the month following or coinciding with the sixty-fifth birthday. The benefit shall be payable monthly for life. The actuarial value at normal retirement date of the retirement allowance which would otherwise commence on that date shall be determined, and shall accumulate at the rate of interest credited to individual accounts until the payment of benefit shall commence, at which time the benefit to commence shall be of equivalent actuarial value.

Section 20. *Death in Line of Duty.*

In event death of a member occurs as a direct result of an act occuring or a thing done which, as determined by the board, was required in the performance of duty, the member's beneficiary shall receive the following monthly benefit, computed pursuant to the various percentages referred to as "benefit percentages", applicable to the deceased member's monthly rate of creditable compensation at time of death. The benefit shall commence in the month following date of the death of the member and shall be payable to the beneficiary, if living, or to a legally appointed guardian, or the member's estate as the case may be, as directed by the board.

(a) For the surviving beneficiary, a "benefit percentage" of forty-five percent shall be applicable. The resulting benefit shall be payable until the death of the beneficiary, or until seventy-two payments have been paid. Benefits cease, in the case of beneficiaries who are also surviving spouses of members upon remarriage. Notwithstanding the provisions of this Section, if the spouse is beneficiary and remains unmarried, said benefit shall be continued for as long a time as there is at least one dependent child. Upon the death of the surviving beneficiary, if there is then at least one dependent child, the board shall direct that the benefit otherwise payable for the beneficiary, together with all other income from the system by reason of dependent children, shall be continued to a legally appointed guardian, or such other person, persons, or organization entitled to such income in the opinion of the board by reason of carrying out the responsibilities of the orphaned dependent children.

(b) In the period of time following a member's death during which only one dependent child is alive, an additional "benefit percentage" of fifteen percent shall be applicable and the resulting benefit shall be payable until remarriage of the spouse or until the child dies, marries, or attains age eighteen.

(c) In the period of time following a member's death during which two dependent children are alive, an additional "benefit percentage" of twenty percent shall be applicable and the resulting benefit shall be payable until remarriage of the spouse, or until a dependent child dies, marries or attains age eighteen.

(d) In the period of time following a member's death during which three dependent children are alive, an additional "benefit percentage" of twenty-five percent shall be applicable and the resulting benefit shall be payable until remarriage of the spouse or until a dependent child dies, marries, or attains age eighteen.

(e) In the period of time following a member's death during which at least four dependent children are alive, an additional "benefit percentage" of thirty percent shall be applicable and the resulting benefit shall be payable until remarriage of the spouse; or death of any dependent child, or attainment of age eighteen of any dependent child.

Section 21. *Total and Permanent Disability in Line of Duty.* In event total and permanent disability occurs as a direct result of an act occurring or a thing done which, as determined by the board, was required in the performance of duty, the member shall retire on his disability retirement date and be eligible to receive the following benefits, based on various percentages referred to as "disability benefit percentages" which shall be applied to the member's monthly rate of creditable compensation in effect at the time of the occurrence leading to disability. The income shall commence in the month of the disability retirement date:

(a) For the disabled member, a "disability benefit percentage" of forty-five percent shall be applicable. The resulting benefit shall be payable until the death of the retired member.

(b) Upon the death of the retired member, a death benefit shall be payable to the surviving beneficiary, computed as if the member had died in line of duty and received a benefit in accordance with the provisions of Section 20 of this Act.

Section 22. *Partial Disability in Line of Duty.*

In event partial disability occurs as a direct result of any act occurring or a thing done which, as determined by the board was required in the performance of duty, the member shall retire on his disability retirement date and be eligible to receive a benefit equal to the product of the "disability ratio," as provided in Section 16, and the amount determined according to subsections (a) and (b) of this Section. The income shall commence in the month of the disability retirement date and will be payable to the retired member.

(a) For the partially disabled member, forty-five percent of the member's monthly rate of creditable compensation in effect at the time of the occurrence leading to disability shall be payable until death;

(b) Upon the death of the retired member, a death benefit shall be payable to the surviving beneficiary equal to the benefits computed as if the member had died in line of duty and received a benefit in accordance with the provisions of Section 20 of this Act.

Section 23. *Death not in Line of Duty.*

In event of death of a member not a direct result of performing any act or doing anything required in the performance of duty, the member's beneficiary shall be eligible to receive a benefit as determined in accordance with the provisions of Section 15 (1).

Section 24. *Disability not in Line of Duty.*

In event of partial or total and permanent disability not a direct result of performing any act or doing anything required in the performance of duty, the member shall retire on his disability retirement date and be eligible to receive a benefit in accordance with provisions of Section 15 (1).

Section 25. *Social Security and Workmen's Compensation Reductions.*

Notwithstanding any provision in this Section to the contrary, benefits computed under Sections 20, 21 and 22 shall be reduced by the exact amount of benefits payable under any Workmen's Compensation Law, Employer's Liability Insurance and under Title II of the Federal Social Security Act. As a further condition precedent to the eligibility and continued eligibility of any person otherwise eligible to receive a benefit computed in accordance with Sections 20, 21 and 22, said person shall submit satisfactory proof to the board, in such form and manner as this board shall require, as to the eligibility to receive and the amount of benefits received under Workmen's Compensation and Social Security.

Section 26. *Death benefits after age* 55.

The actuarially determined value at age fifty-five of benefits otherwise payable at normal retirement date shall vest upon a member's attainment of age fifty-five. Upon the death of a retired member after age fifty-five but before benefit payments begin, his beneficiary shall receive one hundred eighty monthly installments certain.

Section 27. *Optional benefits.*

(1) Each member shall have the right to receive an optional allowance payable under any one of the options set forth in this Section in lieu of the retirement allowance provided in Sections 15, 17, 18 and 19 of this Act otherwise payable to him. The member shall make an election by written request to the board six months prior to the time his retirement allowance or delayed allowance would otherwise commence, and such election must be approved by the board before payment of any benefit.

(2) A beneficiary, by reason of death of a member, eligible to

receive a benefit under the provisions of this Act shall have the right to receive an optional allowance payable under any one of the options set forth in this Section in lieu of all other benefits provided by this Act. A beneficiary shall make an election by written request to the board six months prior to the time any benefits would otherwise be payable.

(3) The amount of any optional allowance determined according to paragraphs (a), (b), (c), and (d) below shall be actuarially equivalent to the amount of retirement allowance otherwise payable.

(a) A member may elect to receive a reduced level optional allowance payable for life.

(b) A member may elect to receive a decreased level optional allowance payable for one hundred twenty payments certain and during the lifetime of the retired member thereafter.

(c) A member may elect to receive a decreased level optional allowance payable during his lifetime and have such retirement allowance continued after his death to his beneficiary during the lifetime of such beneficiary.

(d) A member may elect to receive a decreased level retirement optional allowance during his lifetime and have fifty percent of such retirement allowance continued after his death to his beneficiary during the lifetime of such beneficiary.

(4) The election by a member of any of the options stated in this Section shall be null and void if the member dies prior to his normal retirement date, and the election of a member of paragraphs (c) or (d) of subsection (3) shall be null and void if the designated beneficiary dies, before the member's retirement.

(5) A member or retired member whose retirement allowance has not begun, who has elected any one of the options stated in this Section, may, at any time prior to his effective retirement date or the receipt by the board of proper written notification of the retirement of the member, revoke such election by proper written notification to the board.

(6) A member shall have the right to change his beneficiary at any time prior to the time that benefits provided under Sections 15, 17, 18 and 19 would otherwise commence.

Section 28. *Board to Administer System.*

The government and control of the system is hereby vested in the Board of Trustees of the Kentucky Employes Retirement System. The board shall carry out the provisions of this Act in the same manner in which it administers the Kentucky Employes Retirement System. In all matters concerning the administration of this Act, and not otherwise provided for by this Act, the same rights, duties and obligations shall apply to the board; as now apply under the provisions of KRS 61.510 to KRS 61.700.

Section 29. The following subjects shall be administered in the same manner subject to the same limitations and requirements, as provided for the Kentucky Employes' Retirement System by KRS 61.675 to KRS 61.700:

(a) Duties of the employer;
(b) Exemption of benefits of the system from taxation;
(c) Effect of action by the General Assembly with respect to the system;
(d) Effect of false statement and falsification of records; and
(e) Penalties.

Section 30. For the purposes of this Act there is hereby appropriated out of the General Fund to the Department of Public Safety the sums of $123,000 for the fiscal year 1958-1959 and $148,000 for the fiscal year 1959-1960.

Section 31. This Act shall become effective on July 1, 1958.

HB 425, AN ACT relating to motor vehicle traffic regulations.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 189.300 of the Kentucky Revised Statutes is amended to read as follows:

(1) The operator of any vehicle when upon a highway shall travel upon the right side of the highway whenever possible, and unless the left side of the highway is clear of all other traffic or obstructions and presents a clear vision for a distance of at least one hundred and fifty feet ahead.

(2) The operator of any vehicle moving slowly upon a highway shall keep his vehicle as closely as practicable to the right-hand boundary of the highway, allowing more swiftly moving vehicles reasonably free passage to the left.

(3) The operator of any vehicle, when driving upon a four-lane highway shall travel in the right hand lane, except when passing.

HB 516, AN ACT relating to teachers.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Any person who has taught in the common school system of the state for at least twenty years, and who has a valid certificate for life, shall be classified in "Rank III" as set out in KRS 159.390 (1) and (2) and shall receive the "Rank III" salary as provided therein.

HB 546, AN ACT relating to motor vehicles.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 138.560 of the Kentucky Revised Statutes is amended to read as follows:

As used in KRS 138.560 to 138.640 and subsection (16) of KRS 138.990, unless the context requires otherwise:

(1) "Department" means the Department of Revenue.

(2) "Person" includes every natural person, fiduciary, association, state or political subdivision, or corporation. Whenever used in any clause prescribing and imposing imprisonment the term "person" as applied to an association means and includes the partners or members thereof, and as applied to corporations, the officers thereof.

(3) "Taxable special fuels" means and includes all combustible gases and liquids used for the generation of power in an internal combustion engine to propel vehicles of any kind upon the public highways, except that it does not include gasoline as defined in KRS 138.210.

(4) "Motor vehicle" means any vehicle, machine or mechanical contrivance propelled by an internal combustion engine and licensed for operation and operated upon the public highways and any trailer or semi-trailer attached to or having its front end supported by such motor vehicle.

(5) "Public highways" means every way or place generally open to the use of the public as a matter of right for the purpose of vehicular travel, notwithstanding that they may be temporarily closed or travel thereon restricted for the purpose of construction, maintenance, repair or reconstruction.

(6) "Special fuels dealer" means any person who imports or causes to be imported into this state for resale or use, or any person making sales in this state, of special fuels for resale or use in this state by a licensed special fuels user-seller.

(7) "Special fuels user-seller" means any person, not licensed as a special fuels dealer, who dispenses special fuels into the fuel tanks of, or attached to, motor vehicles for the propulsion of such motor vehicles on the public highways, and shall include any such person who so dispenses special fuels for consumption in such motor vehicles owned, leased or operated by him.

Section 2. Section 138.565 of the Kentucky Revised Statutes is amended to read as follows:

(1) An excise tax of seven cents per gallon is hereby levied and shall be paid by the special fuels dealer to the department on all taxable special fuels delivered to the licensed special fuels user-seller, or used by the special fuels dealer to propel motor vehicles on the public highways. An allowance of one percent of the tax shall be made to the special fuels dealer to cover unaccountable losses, bad debts, and handling and reporting the tax.

(2) Two-sevenths of all amounts received by reason of the tax paid under subsection (1) of this section shall be set aside by the Department of Highways for the construction, reconstruction and maintenance of rural and secondary roads and for no other purpose.

(3) No other excise or license tax shall be levied or assessed on special fuels by any political subdivision of the state.

Section 3. Section 138.570 of the Kentucky Revised Statutes is amended to read as follows:

(1) A license shall be required of each special fuels dealer and each special fuels user-seller.

(2) Application for a license shall be made to the department upon forms prepared and furnished by the department. The application shall contain such information as the department deems necessary.

(3) Concurrently with the filing of an application for a license, the special fuels dealer shall file with the department a bond as required under KRS 138.575. No license shall be issued to any person unless such person has furnished a bond as provided in KRS 138.575 to secure payment of taxes, penalties and interest imposed by KRS 138.560 to 138.640. No bond shall be filed with an application for special fuels user-seller license.

(4) The application in proper form having been accepted for filing the bond, it required, having been accepted and approved and the other conditions and requirements of this section having been complied with, the department shall issue a license. However, if an application for a license is filed by any person whose license has at any time previously been revoked for cause by the department, or if the department is of the opinion that the person who makes the application as a subterfuge for the real party in interest whose license, prior to the time of filing the application, has been revoked for cause, or that the application is not for any other reason filed in good faith or is not for sufficient cause, the department may, after a hearing of which the applicant shall be given ten day's notice in writing and in which he shall have the right to appear in person or by counsel and present testimony, refuse to issue a license to that person.

(5) All licenses shall be valid and remain in full force and effect until suspended or revoked for cause or otherwise cancelled.

(6) A license shall not be assignable or transferable and shall be valid only for the person in whose name it is issued.

(7) The department shall keep and file all applications and bonds, with an alphabetical index thereof.

Section 4. Section 138.575 of the Kentucky Revised Statutes is amended to read as follows:

(1) Every special fuels dealer shall file with the department a corporate bond, cash bond or securities approved by the department in a minimum amount of $500 and in a maximum amount of four month's liability for taxes imposed under KRS 138.560 to 138.640 but not to exceed $50,000. If however, a special fuels dealer is bonded as provided in KRS 138.330 the department may waive the bonding requirement in this section provided a rider is attached to such bond

to guarantee payment of all special fuels taxes together with all penalties and interest thereon and secure faithful compliance with the provisions of KRS 138.560 to 138.640. The applicant for a license shall be the principal obligor and this state shall be the obligee. The bond shall be conditioned upon the prompt filing of true reports and the payment by the licensee to the department of all taxes levied under KRS 138.560 to 138.640, together with all penalties and interest thereon and generally upon faithful compliance with the provisions of KRS 138.560 to 138.640.

(2) If the liability upon the bond is discharged or reduced, whether by judgment rendered, payment made, or otherwise or if in the opinion of the department any surety has become unsatisfactory or unacceptable, the department may require the licensee to file a new bond with satisfactory surety in the same form and amount, failing which the department shall forthwith cancel the license. If a new bond is furnished by the licensee as above provided, the department shall cancel the bond for which the new bond is substituted.

(3) If upon hearing, of which the licensee shall be given ten day's notice in writing, the department decides that the amount of the existing bond is insufficient to insure payment to this state of the amount of the tax, penalties and interest for which the licensee is or may become liable, the licensee shall forthwith, upon the written demand of the department, file an additional bond in the same manner and form with surety thereon approved by the department, in any amount determined by the department to be necessary, failing which the department shall forthwith cancel the license.

(4) Any surety on a bond furnished by a licensee shall be released from all liability to this state accruing on such bond after the expiration of sixty days from the date upon which the surety has lodged with the department a written request to be released, but this request shall not operate to release the surety from any liability already accrued or which shall accrue before the expiration of the sixty-day period. The department shall promptly on the receipt of the request, notify the licensee who furnished the bond, and unless the licensee shall, before the expiration of the sixty-day period, file with the department a new bond with surety satisfactory to the department in the amount and form hereinbefore provided, the department shall forthwith cancel the license. If the new bond is furnished by the licensee as above provided, the department shall cancel the bond for which the new bond is substituted.

Section 5. Section 138.580 of the Kentucky Revised Statutes is amended to read as follows:

(1) If a licensee at any time files a false monthly report of the information required, or fails or refuses to file the monthly report or to pay for the full amount of the tax or violates any other provision of KRS 138.560 to 138.640, inclusive, without a showing that such

failure was due to reasonable cause, the department may cancel the license and suspend the privilege of acting as a special fuels dealer.

(2) Upon voluntary surrender of the license or upon receipt of a written request by a licensee, the department may cancel his license, effective sixty days from the date of request, but no such license shall be cancelled upon surrender or request unless the licensee has, prior to the date of cancellation, paid to this state all taxes, penalties, interest and fines that are due or have accrued, and unless the licensee has surrendered to the department his license.

(3) If upon investigation the department ascertains that any person to whom a license has been issued is no longer engaged as a special fuels dealer or special fuels user-seller, and has not been so engaged for a period of six months, the department may cancel such license by giving the person sixty days' notice of cancellation, mailed to his last known address, in which event the license shall be surrendered to the department.

(4) Whenever a licensee ceases to engage in business within this state, he shall notify the department in writing within fifteen days after discontinuance. All taxes that have accrued under KRS 138.560 to 138.640, inclusive, whether or not then due, shall become due and payable concurrently with such discontinuance. The licensee shall make a report and pay all such taxes and any interest and penalties thereon, and shall surrender to the department his license.

(5) If the license is cancelled by the department as provided in this section, and if the licensee has paid to this state all taxes, interest and penalties due under KRS 138.560 to 138.640 and 138.990, the department shall cancel the bond filed by the licensee.

Section 6. Section 138.585 of the Kentucky Revised Statutes is amended to read as follows:

Every special fuels dealer licensee shall maintain complete records of inventories, purchases, sales, use and other dispositions of special fuels. Such records, together with manifests of lading, invoices, correspondence and other papers pertaining to special fuels shall be retained for a minimum period of two years, and, if requested by the department, shall be made available for examination by the department.

Section 7. Section 138.590 of the Kentucky Revised Statutes is amended to read as follows:

(1) Every special fuels dealer licensee shall file with the department, on forms prescribed by the department, a monthly tax return. The return shall be made under penalty of perjury and shall show such information as the department may require. The licensee shall file the return on or before the last day of the next succeeding calendar month following the month to which it relates.

(2) The monthly tax return shall be accompanied by remittance covering the tax due.

Section 8. Section 138.595 of the Kentucky Revised Statutes is amended to read as follows:

The tax imposed by KRS 138.565 shall be computed by multiplying the number of gallons of taxable special fuels sold or used by the tax rate.

Section 9. Section 138.615 of the Kentucky Revised Statutes is amended to read as follows:

The department may audit the books and records of each licensee and make such other investigations as it deems necessary to determine whether or not the tax and other requirements imposed by KRS 138.560 to 138.640 have been met.

Section 10. Section 138.620 of the Kentucky Revised Statutes is amended to read as follows:

The reports required by KRS 138.590 shall be accompanied by a certified or cashier's check, payable to the State Treasurer, for the amount of tax due for the preceding calendar month computed as provided in KRS 138.595, except that the department may waive this requirement and accept the check of the licensee if he is of sound financial condition and has established a good record of compliance with the requirements of KRS 138.560 to 138.640.

Section 11. Section 138.625 of the Kentucky Revised Statutes is amended to read as follows:

(1) If any special fuels dealer neglects or refues to make the return required by KRS 138.590 or to pay the tax at the time provided, a penalty of twenty percent thereof and interest at six percent per annum from the date when due shall be paid as a part of the tax. If collected by proceedings in court, an additional penalty of twenty percent shall be collected and distributed as is authorized by KRS 134.400 and 135.060.

(2) If any taxpayer subject to the penalty provided in subsection (1) of this section submits in writing to the department, his reasons for failure to comply with KRS 138.590, and if the department finds the reasons evidence of justifiable cause for modifying the penalty provided in subsection (1) of this section, it may modify the penalty exacted therein to five percent of the amount of the tax due and delinquent, provided the five percent penalty may be reduced to a one percent penalty if the violation is the first violation by the taxpayer within twelve months.

(3) Any special fuels dealer who fails to make any return required under KRS 138.590 within the time required shall pay a penalty of ten dollars to be assessed and collected in the manner provided for the assessment and collection of taxes under KRS 138.560 to 138.640 inclusive or in a civil action initiated by the department. In addition such delinquent taxpayer may be compelled to make the required report or return.

Section 12. Section 138.630 of the Kentucky Revised Statutes is amended to read as follows:

With respect to KRS 138.560 to 138.640, it is unlawful for any person to:

(1) Fail to pay the taxes due;

(2) Fail, neglect or refuse to make and file any statement required in the manner or within the time required;

(3) Make any false statement or conceal any material fact in any record, report or affidavit;

(4) Conduct any activities requiring a license without a license or after a license has been surrendered, cancelled or revoked;

(5) Assign or attempt to assign a license to act as a special fuels dealer;

(6) Deliver taxable special fuels to any person not licensed as a special fuels user-seller or special fuels dealer except it shall not be an unlawful act to deliver non-taxable special fuels into tax-free storage to such licensees or other persons providing delivery is made into separate storage facilities identified as non-taxable in accordance with regulations issued by the department;

(7) Maintain storage facilities for taxable special fuels and dispense taxable special fuels therefrom into any fuel tank attached to a motor vehicle unless such person is the holder of a special fuels user-seller license; or

(8) Violate any other provisions.

Section 13. Section 138.640 of the Kentucky Revised Statutes is amended to read as follows:

(1) The department shall administer the taxes provided under KRS 138.560 to 138.640 inclusive and may prescribe, adopt and enforce regulations relating to the administration and enforcement thereof.

(2) The department shall, upon the request of the officials to whom are entrusted the enforcement of the special fuels tax law of any other state, the United States, the provinces or the Dominion of Canada, forward to such officials any information which it may have relative to the manufacture, receipt, sale, use, transportation, shipment or delivery by any person of special fuels, provided such other state or states provides for the furnishing of like information to this state.

Section 14. Section 138.655 of the Kentucky Revised Statutes is amended to read as follows:

(1) "Department" means Department of Revenue.

(2) "Person" includes every natural person, fiduciary, association, state or political subdivision, or corporation. Whenever used in any clause describing and imposing imprisonment the term "person" as applied to an association means and includes the partners or members thereof, and as applied to a corporation the officers thereof.

(3) "Public highway" means every way or place generally open to the use of the public as a matter of right for the purpose of vehicular travel notwithstanding that it may be temporarily closed or travel thereon restricted for the purpose of construction, maintenance, repair or reconstruction.

(4) "Motor vehicle" means any vehicle, machine or mechanical contrivance propelled by an internal combustion engine and licensed for operation and operated upon the public highways and any trailer or semi-trailer attached to or having its front end supported by such motor vehicle.

(5) "Declared gross weight" means the combined weight of the vehicle and the heaviest load that the vehicle will be used to carry at any time on the public highway.

(6) "Motor carrier" means every person who operates or causes to be operated on any highway in this state, any bus engaged in hauling passengers for hire operating under a certificate of convenience and necessity and any motor vehicle, trailer, or semi-trailer, of a declared gross weight of not less than 27,001 pounds, except this weight limit shall not operate to exclude any motor vehicle having more than two axles, engaged in the transportation of persons or property in either private or for-hire carriage in interstate commerce in this state, or who purchase fuel without this state for consumption in this state in intrastate commerce. The term "motor carrier" shall include every common and contract carrier possessing authority as such from the Interstate Commerce Commission together with those engaged in transporting in interstate commerce in this state commodities not regulated by the Interstate Commerce Commission. The term "motor carrier" shall not mean or shall not include any person operating or causing to be operated a city bus except city buses operated across the border of the State of Kentucky.

(7) "City bus" means any motor vehicle used for the transportation of persons for hire exclusively within the limits of any city or within ten miles of its limits over a regular route and exclusively within the boundaries of this state.

(8) "Heavy equipment motor carrier" means any person who operates on the public highways of this state a motor vehicle, including a trailer or semi-trailer, having more than two axles none of which are closer together than 42 inches.

(9) "Trip permit" means a permit for the operation during a ten consecutive day period of any motor vehicle, trailer or semi-trailer of not less than 27,001 pounds or having more than two axles of a motor carrier or heavy equipment motor carrier not licensed under KRS 138.665.

(10) "Licensee" means for purposes of KRS 138.655 through 138.725 any person who has been granted a license as a motor carrier or a heavy equipment motor carrier.

(11) "Use" means the consumption of gasoline and special fuels in propelling motor vehicles on the public highways.

(12) "Gasoline" means gasoline as defined in KRS 138.210 (4).

(13) "Special fuels" means and includes all combustible gases and liquids used for the generation of power in an internal combustion engine to propel vehicles of any kind upon the public highways, except that it does not include gasoline as defined in KRS 138.210 (4).

(14) "Quarterly" for the purposes of KRS 138.655 to 138.725 means a three-month period ending June 30 in the year 1956 and each succeeding three-month period thereafter.

Section 15. Section 138.660 of the Kentucky Revised Statutes is amended to read as follows:

(1) Every motor carrier shall pay a tax of seven cents per gallon on the amount of gasoline and seven cents per gallon on the amount of special fuels used in operations on the public highways of this state.

(2) In addition to the tax imposed in subsection (1), if the motor carrier is a heavy equipment motor carrier as defined in KRS 138.655, he shall pay a surtax of two cents per gallon on the amount of gasoline and special fuels used in operations on the public highways of this state.

(3) The tax levied under subsections (1) and (2) of this section shall be computed and paid as provided in KRS 138.690.

(4) Two-sevenths of all amounts received by reason of the tax imposed on gasoline and special fuels by subsection (1) shall be set aside by the Department of Highways for construction, reconstruction and maintenance of the rural and secondary highways of this state and for no other purpose.

Section 16. Section 138.665 of the Kentucky Revised Statutes is amended to read as follows:

(1) A license shall be required of each motor carrier or heavy equipment motor carrier before he uses or continues to use gasoline or special fuels on the public highways of this state, except the department may issue a trip permit for each motor vehicle for a fee of ten dollars for each permit.

(2) Application for a license or trip permit shall be made to the department and shall contain such information as the department deems necessary.

(3) Concurrently with the filing of an application for a license, the motor carrier or heavy equipment motor carrier shall file with the department a bond as required under KRS 138.670. No license shall be issued to any person unless such person has furnished a bond as provided in KRS 138.670 to secure payment of taxes, penalties and interest imposed by KRS 138.655 to 138.725.

(4) The application in proper form having been accepted for filing, the bond having been accepted and approved and the other conditions and requirements of this section having been complied with,

the department shall issue a license. However, if an application for a license is filed by any person whose license has at any time previously been revoked for cause by the department, or if the department is of the opinion that the person who makes the application as a subterfuge for the real party in interest whose license, prior to the time of filing the application, has been revoked for cause, or that the application is not for any other reason filed in good faith or is not sufficient cause, the department may, after a hearing of which the applicant shall be given ten days' notice in writing and in which he shall have the right to appear in person or by counsel and present testimony, refuse to issue a license to that person.

(5) All licenses shall be valid and remain in full force and effect until suspended or revoked for cause or otherwise cancelled.

(6) A license shall not be assignable or transferable and shall be valid only for the person in whose name it is issued.

(7) The department shall keep and file all applications and bonds, with an alphabetical index thereof.

(8) Each holder of such license shall display such license number or other identification in the manner prescribed by the department.

Section 17. Section 138.680 of the Kentucky Revised Statutes is amended to read as follows:

Every licensee shall maintain complete records on all motor vehicles, by type, operating on Kentucky highways, weight and number of axles, mileage records, and records of all purchases, use, and other dispositions of gasoline and special fuels. Such records, together with manifests of lading, invoices and other papers pertaining to gasoline or special fuels consumption, shall be retained for a minimum period of two years; and if requested by the department shall be made available for examination by the department.

Section 18. Section 138.690 of the Kentucky Revised Statutes is amended to read as follows:

The tax imposed by subsections (1) and (2) of KRS 138.660 shall be determined as follows: The total number of gallons of gasoline and special fuels used during the taxable period in the licensee's operations on the public highways in Kentucky shall be multiplied by the tax rates.

Section 19. Section 138.695 of the Kentucky Revised Statutes is amended to read as follows:

(1) Every licensee subject to the tax imposed by subsections (1) and (2) of KRS 138.660 shall be entitled to a credit for each quarterly period equivalent to seven cents per gallon on gasoline and seven cents per gallon on special fuels purchased by such licensee during such period for use in its operations on public highways within and without this state, provided such gasoline and special fuels were purchased in Kentucky during the same period and the tax imposed by KRS 138.220

and KRS 138.565 has been paid. Evidence of the payment of such tax in such form as may be required by or satisfactory to the department shall be furnished by each such licensee claiming the credit herein allowed.

(2) The department shall at the close of each quarterly period, ending September 30, December 31, March 31 and June 30, compute all credits granted by the department during such quarter, which credits shall be applied only to taxes due on any report filed within the next consecutive two quarters, except that no credit shall operate to reduce the amount of surtax due under KRS 138.655 to 138.725.

Section 20. Section 138.705 of the Kentucky Revised Statutes is amended to read as follows:

(1) The department may audit the books and records of each licensee who has at any time since the last audit was made applied for a credit thereunder and make such other investigations as it deems necessary to determine whether the credits applied for constitute proper claims.

(2) If gasoline or special fuels taxes are erroneously credited, the department shall advise the licensee of the erroneous credit. If the licensee fails to reimburse the Commonwealth within fifteen days after the receipt of notice, an action may be instituted by the department in the Franklin Circuit Court and the department shall recover from the licensee the amount of the erroneous credit plus a penalty of twenty percent.

Section 21. Section 138.720 of the Kentucky Revised Statutes is amended to read as follows:

With respect to KRS 138.655 to 138.725, it is unlawful for any person to:

(1) Fail to pay the tax imposed;

(2) Fail, neglect, or refuse to file any return in the manner or within the time required;

(3) Make any false statement or conceal any material fact in any record, return, or affidavit;

(4) Conduct any activities requiring a license without such license or after such license has been surrendered, cancelled or revoked;

(5) Assign or attempt to assign a license; or

(6) Violate any other provisions.

Section 22. Section 138.725 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Department of Revenue shall administer the provisions of KRS 138.655 to 138.725 and 138.990, and may prescribe, adopt and enforce regulations relating to the administration and enforcement thereof.

(2) The Department of Revenue shall, upon the request of the officials to whom are entrusted the enforcement of the gasoline and

special fuels tax law of any other state, the United States, or the provinces of the Dominion of Canada, forward to such officials any information which it shall have relative to the receipt, sale, use, transportation, shipment or delivery by any person of gasoline and special fuels provided such state or states makes provision in its law for the furnishing of like information to this state.

Section 23. Section 138.990 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person who violates any of the provisions of KRS 138.020 to 138.070 shall be fined not more than five hundred dollars for each offense, and his license, if one is required, may be revoked at the discretion of the court.

(2) Any person who violates any of the provisions of KRS 138.080 shall be guilty of a felony and shall be fined not more than one thousand dollars or imprisoned for not more than five years, or both.

(3) Any person who violates any of the provisions of KRS 138.100 or 138.110 shall be fined not less than fifty dollars nor more than five hundred dollars.

(4) Any person who violates any provision of KRS 138.140 to 138.200 for which a specific penalty is not provided, or who violates any reasonable rule or regulation promulgated by the Department of Revenue under KRS 138.140 to 138.200, shall be fined not less than twenty-five dollars nor more than five hundred dollars for the first offense; for each subsequent offense he shall be fined not less than fifty dollars nor more than one thousand dollars and, if the offender is an individual, may be confined in the county jail for not more than six months, or both so fined and imprisoned. These fines shall be in addition to the civil penalties provided by KRS 138.170.

(5) Any person who violates any of the provisions of KRS 138.180 shall be guilty of a misdemeanor and shall be fined not less than one hundred dollars nor more than one thousand dollars, or imprisoned for not less than one nor more than five years, or both.

(6) Any person who violates any of the provisions of KRS 138.200 shall be fined not more than one thousand dollars, and if the offender is an individual he may be confined in the county jail for not more than six months, or both so fined and imprisoned. These fines shall be in addition to the civil penalties provided by KRS 138.170.

(7) Any person who fails to remit gasoline tax money to the state as provided in KRS 138.280 is guilty of embezzlement of state funds, and shall be fined not more than one thousand dollars or imprisoned in the county jail for not more than six months, or both. Upon conviction of a second offense he shall be imprisoned for not less than one year nor more than five years in the state penitentiary.

(8) Any person who violates any of the provisions of KRS

138.300 shall be fined not less than twenty-five dollars, nor more than one thousand dollars, or imprisoned in the county jail for not more than six months, or both. This penalty shall be in addition to the penalty provided in subsection (7) of this section.

(9) Any person who violates KRS 138.310 shall be fined not less than one hundred dollars nor more than one thousand dollars, or imprisoned in the county jail for not less than thirty days nor more than one year, or both. Each day or part of day of doing business as a dealer without an uncanceled license shall be a separate offense.

(10) Any person who violates any of the provisions of KRS 138.460 or 138.470 shall be fined not less than twenty-five dollars nor more than one thousand dollars. If the offender is an individual, he may be imprisoned in the county jail for not more than six months, or both so fined and imprisoned.

(11) Any person who violates any of the provisions of KRS 138.480 or 138.490 shall be fined not more than one thousand dollars or imprisoned in the county jail for not more than thirty days, or both.

(12) If any offender under the provisions of subsections (2), (7), (8), (9) or (11) of this section is a corporation, the principal officer or the officer directly responsible for the violation, or both, may be imprisoned as provided in those subsections.

(13) Any person who violates any provision of subsection (1) of KRS 138.354, whether or not his permit has been revoked by the Kentucky Tax Commission, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than one hundred dollars nor more than five hundred dollars, or imprisoned not exceeding one year, or both, in the discretion of the court.

(14) Any person, other than the holder of a refund permit, who shall knowingly violate any provision of KRS 138.343 to 138.357, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than one hundred dollars nor more than five hundred dollars, or imprisoned not exceeding one year, or both, in the discretion of the court.

(15) Any person who makes a false or fraudulent statement in an application made pursuant to KRS 138.342 for a refund of taxes provided by KRS 138.341 or who fraudulently obtains such a refund or who knowingly aids or assists in making such a false or fraudulent statement or claim for refund, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than one hundred dollars nor more than five hundred dollars, or imprisoned not exceeding one year, or both, in the discretion of the court.

(16) Any person violating any provision of KRS 138.630 shall be fined not more than one thousand dollars or imprisoned in the county jail for more than six months, or both. Upon conviction of a second offense, he shall be imprisoned for not less than one year nor more than five years in the state penitentiary.

(17) Any person violating any provision of KRS 138.655 to KRS 138.725 is guilty of a misdemeanor and upon conviction is punishable by a fine of not less than $19 nor more than $500 or by imprisonment in the county jail for not less than thirty days nor more than six months or by both such fine and imprisonment.

(18) In addition to the penalties provided in KRS 138.990 (17), the motor vehicle or vehicles of any persons violating any provisions of KRS 138.720 shall be subject to seizure by any officer duly authorized to enforce the provisions of KRS 138.655 to 138.725.

Section 24. Section 186.050 of the Kentucky Revised Statutes is amended to read as follows:

(1) The annual registration fee for motor vehicles, including taxicabs, primarily designed for carrying passengers and having provisions for not more than nine passengers, including the operator, shall be $4.50.

(2) The annual registration fee for each motorcycle shall be $2.00, and for each sidecar attachment, $1.00.

(3) All motor vehicles except those mentioned in subsection (1) and (2), and those engaged in hauling passengers for hire, operating under certificates of convenience and necessity, are classified as trucks or busses, and the annual registration fee, except as provided in subsection (4) through (8), shall be as follows:

Declared Gross Weight	Registration Fee
0– 5000	$ 10.00
5001– 8000	22.00
8001–10000	25.00
10001–12000	29.00
12001–14000	32.00
14001–16000	36.00
16001–18000	40.00
18001–21000	45.00
21001–24000	50.00
24001–27000	59.00
27001–30000	71.00
30001–33000	85.00
33001–36000	101.00
36001–39000	123.00
39001–42000	150.00
42001 or over	250.00

The registration fee shall be increased fifty percent on any motor vehicle not equipped wholly with pneumatic tires.

(4) Application for registration for motor vehicles in the weight classification in paragraph (3) may be required by regulation to be submitted to the department and the application shall contain the information required by the department. The department shall certify

the application to the owner for registration in the proper weight class to be determined by the information in the application for registration. Upon presentation of the certified application by the owner to the appropriate county clerk, the clerk shall issue a license for the motor vehicle in the weight class certified by the department and collect the proper registration fee.

(5) Any farmer owning a truck having a gross weight of 22,000 pounds or less may have it registered as a farmer's truck and obtain a license for $4.50 by filing with the county clerk, in addition to other information required, an affidavit stating that he is a farmer engaged solely in the production of crops, livestock or dairy products, that he owns a truck of the gross weight of 22,000 pounds or less, that he has caused to be printed upon each side of the bed of the truck the words "Farmer's Truck" in conspicuous letters not less than three inches in height, and that during the next twelve months the truck will be used only in transporting persons, food, provender, feed and machinery used in operating his farm and the products grown on his farm.

(6) Any person owning a truck or bus used solely in transporting school children and school employes may have the truck or bus registered as a school bus and obtain a license for $4.50 by filing with the county clerk, in addition to other information required, an affidavit stating that the truck or bus is used solely in the transportation of school children and persons employed in the schools of the district, that he has caused to be printed on each side of the bed of the truck or bus and on the rear door or part of the bed the words "School Bus" in letters at least six inches high and of a conspicuous color and that the truck or bus will be used during the next twelve months only for the purpose stated.

(7) Any church or religious organization owning a truck or bus used solely in transporting persons to and from a place of worship or for other religious work may have the truck or bus registered as a church bus and obtain a license for $4.50 by filing with the county clerk, in addition to other information required, an affidavit stating that the truck or bus will be used only for the transporting of persons to and from a place of worship, or for other religious work, and that there has been printed on the truck or bus in large letters the words "Church Bus," with the name of the church or religious organization owning and using the truck or bus, and that during the next twelve months the truck or bus will be used only for the purpose stated.

(8) Any person owning a truck on which an outfit for drilling water wells has been mounted and bolted to the chassis may register the truck and obtain a license for $4.50 by filing with the county clerk, in addition to other information required, an affidavit that an outfit for the drilling of water wells has been mounted on and bolted to the chassis of the truck, and that during the next twelve months

the truck will be used only for the transportation of the well drilling outfit.

(9) Any person owning a motor vehicle on which a wrecking crane and other equipment suitable for an automobile wrecker service has been permanently mounted may register the vehicle and obtain a license for $9.50 by filing with the county clerk, in addition to other information required, an affidavit that a wrecking crane and other equipment suitable for an automobile wrecker service has been permanently mounted on such vehicle and that during the next twelve months the vehicle will be used only in automobile wrecker service.

Section 25. Section 186.055 of the Kentucky Revised Statutes is amended to read as follows:

(1) All motor vehicles registered under subsection (3) of KRS 186.050, except motor vehicles taxed under KRS 281.810 wherein the gross weight exceeds 18,000 pounds, shall pay an additional fee as follows:

Declared Gross Weight	Weight Fee
18,001–21,000	$ 67.00
21,001–24,000	84.00
24,001–27,000	97.00
27,001–30,000	113.00
30,001–33,000	130.00
33,001–36,000	148.00
36,001–39,000	170.00
39,001–or over	300.00

(2) The clerk shall issue a weight plate furnished by the department and shall be paid for this service the sum of twenty-five cents.

(3) The clerk shall not register any common or contract carrier motor vehicle transporting property for hire until the owner has exhibited to the clerk a receipt from the Department of Motor Transportation showing that the weight tax has been paid as provided for under KRS 281.810.

(4) Motor vehicles registered under subsection (3) of KRS 186.050 or duly registered under the laws of any other state, which when operated in this state are used exclusively for the transportation of property within the limits of the city named in the affidavit hereinafter required to be filed, or within ten miles of the limits of the city if it is a city of the first, second, third or fourth class, or within five miles of its limits if it is a city of the fifth or sixth class, shall not be required to pay the fee as set out in this section. Nothing in this section shall be construed to limit any right of nonresidents to exemption from registration under any other provision of the laws granting reciprocity to nonresidents. Operations outside of this state

shall not be considered in determining whether or not the foregoing mileage limitations have been observed. When claiming exemption of payment of the fee, the owner shall file with the county clerk in addition to any other information that may be required an affidavit stating that the motor vehicle when used within this state is used only for the transportation of property within the city to be named in the affidavit and the area above set out and that the vehicle will not be used outside of the city and the area above set out during the current registration period, and that there has been printed conspicuously on each side of the vehicle in letters of distinctive color at least three inches in height the name of the owner and words "Urban Limits."

Section 26. Section 186.655 of the Kentucky Revised Statutes is amended to read as follows:

(1) Before any owner or operator of a trailer, semi-trailer or house-trailer other than trailers or semi-trailers which may be registered under the provisions of Chapter 281 of the Kentucky Revised Statutes may operate or permit the operation of such vehicles upon the highways, the owner shall apply for registration to the county clerk of the county in which he resides or in which such vehicles are principally operated. The application shall be retained by the clerk and shall be accompanied by:

(a) A bill of sale, if the application is for the registration of a new trailer, semi-trailer or house-trailer; or

(b) The owner's registration receipt, if the trailer, semi-trailer or house-trailer was last registered in this state; or

(c) A bill of sale and the previous registration receipt, if last registered in another state where the law of such state does not require the owner of a trailer, semi-trailer or house-trailer to obtain a certificate of title or ownership; or

(d) A certificate of title, if last registered in another state where the law of such state requires the owner of a trailer, semi-trailer or house-trailer to obtain a certificate of title or ownership; or

(e) Affidavit from the owner of a trailer, semi-trailer or house-trailer assembled or constructed for his personal use on the highways; or

(f) Affidavit from the owner of a trailer, semi-trailer or house-trailer where the bill of sale for such vehicle has been lost, destroyed or stolen.

(2) The affidavit required in paragraph (e) shall contain the owner's name, address, date, brief description and a statement that the trailer was constructed by the owner for use on the highways and any additional information that the department may from time to time prescribe by regulation.

(3) The affidavit required in paragraph (f) shall contain the owner's name, address, date, make, year made, serial or identification number, from whom purchased, date of purchase, that the person mak-

ing the affidavit is the sole owner, the circumstances under which the bill of sale was lost, destroyed or stolen, and any additional information that the department may from time to time prescribe by regulation.

After that, he shall register his trailer, semi-trailer or house-trailer on or before March 1 of each year. Insofar as the owner is concerned, registration with the clerk shall be deemed to be registration with the department.

Section 27. Section 186.675 of the Kentucky Revised Statutes is amended to read as follows:

The annual registration fee for trailers and semi-trailers which are drawn by motor vehicles required to be licensed under KRS 186.050 (1) shall be $4.50. The annual registration fee for trailers and semi-trailers which are drawn by motor vehicles required to be licensed under KRS 186.050 (3) shall be $19.50. The provisions of KRS 186.650 to 186.700 shall not apply to privately owned and operated trailers used for the transportation of boats, luggage, personal effects, farm products, farm supplies or farm equipment. The registration fee for house-trailers shall be $9.50. The clerk shall issue the registration plate furnished by the department and shall be paid for this service the sum of fifty cents.

Section 28. Section 186.990 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person who violates any of the provisions of KRS 186.020 to 186.080, 186.110, 186.130 to 186.180, 186.210, 186.230, 186.250 or 186.655 to 186.680 shall be fined not less than ten nor more than one hundred dollars for each offense.

(2) Any person who violates KRS 186.090 shall be fined not less than fifty nor more than two hundred dollars for each day he operates without the required license.

(3) Any person who violates KRS 186.100 shall be fined not less than twenty-five nor more than one hundred dollars for each offense.

(4) Any person who violates any of the provisions of KRS 186.190, 186.200 or 186.220 shall be fined not less than ten dollars nor more than two thousand dollars or imprisoned for not more than one year, or both.

(5) Unless another penalty is provided by law, any person who violates any of the provisions of KRS 186.400 to 186.640 shall be fined not less than two dollars nor more than five hundred dollars or imprisoned for not more than six months, or both.

(6) Any clerk or judge failing to comply with subsection (1) of KRS 186.550 shall be subject to a penalty of one hundred dollars which shall accrue to the state and may be recovered with the costs of the suit in a civil action brought by the department.

(7) If it appears to the satisfaction of the trial court that any offender under KRS 186.400 to 186.640 has a driver's license but in good faith failed to have same on his or her person or misplaced or lost same, the court may, in its discretion, dismiss the charges against the defendant without fine, imprisonment or cost.

(8) Any person who steals a motor vehicle registration plate shall be guilty of a felony and shall be confined in the penitentiary for not less than one nor more than five years. Displaying a cancelled registration plate on a motor vehicle shall be prima facie evidence of guilt under this section.

Section 29. Section 189.222 of the Kentucky Revised Statutes is amended to read as follows:

The Commissioner of Highways, in respect to highways which are a part of the state-maintained system, by official order, many increase on designated highways or portions thereof, the maximum height, length and gross weight prescribed in KRS 189.221, if in the opinion of said commissioner, the increased height, length and weight designated by him are justified by the strength, safety and durability of the designated highways, and said highways do not appear susceptible to unreasonable and unusual damage by reason of such increases; and said commissioner is authorized to establish reasonable classifications of such roads and to fix a different maximum for each classification. However, in no event shall any motor truck or tractor semi-trailer combination, including any part of the body or load, exceed the following dimensions and weights:

(1) Height, 13½ feet.

(2) Length, truck tractors and semi-trailers, 50 feet; motor trucks, 35 feet.

(3) Weight, 18,000 pounds per single axle, with axles less than 42 inches apart to be considered as a single axle; 32,000 pounds on two axles in tandem arrangement which are spaced 42 inches or more apart and less than 120 inches apart; 600 pounds per inch of aggregate width of all tires; gross weight, 59,640 pounds.

(4) A tolerance of not more than five percent per axle load shall be permitted before a carrier is deemed to have violated subsection (3) of this section. In no event shall the gross weight exceed 59,640 pounds.

Section 30. Section 281.751 of the Kentucky Revised Statutes is amended to read as follows:

The department shall charge a fee of twenty dollars each for the issuance of plates, decals, signs or papers as may be necessary for the registration of trailers or semi-trailers which are operated by carriers or motor carriers under the jurisdiction of the department; provided, however, that the provisions of this section shall not be applicable with respect to:

(1) Trailers or semi-trailers operated in interstate commerce in this state by carriers or motor carriers domiciled in a state other than this state when used in combination with power units licensed in a state other than this state, said power units being lawfully entitled to reciprocal privileges in this state under the circumstances being operated; or

(2) Trailers or semi-trailers operated in interstate commerce in this state by carriers or motor carriers domiciled in a state other than this state when used in combination with power units licensed in a state other than this state, said power units not being lawfully entitled to reciprocal privileges in this state under the circumstances being operated if said power units are at the time properly licensed in this state or are operated under a lawful exemption from the requirements of licensing in this state; or

(3) Trailers or semi-trailers operated in interstate commerce in this state on a lawful interchange basis by carriers or motor carriers domiciled in this state.

Section 31. Section 138.600 of the Kentucky Revised Statutes is hereby repealed.

Section 32. There is hereby appropriated to the Department of Revenue from the Road Fund for the purpose of administration of this Act the sum of $150,000 for the fiscal year 1958-1959 and $150,000 for the fiscal year 1959-1960.

Section 33. Sections 1 through 23 and Sections 29 and 31 of this Act shall become effective July 1, 1958. Sections 24 through 28 and Section 30 of this Act shall become effective January 1, 1959.

Orders of the Day

HB 13 taken from Orders of the Day upon recommendation of the Rules Committee. Representative Everett moved that it be placed on passage. Agreed. Read at length for the third time.

On roll call, the vote was: Yeas, 85—Anderson, Arnold, Bach, Bartley, Barton, Billington, Breckinridge, Brown, Buchanan, Buckner, Burke, Burress, Bush, Casey, Chaudoin, Clore, Coffey, Combs, E. E. Cook, M. W. Cook, Bill Cornett, P. W. Cornett, Cottengim, Crecelius, P. F. Davis, W. F. Davis, Dempsey, Duff, Everett, Farmer, Fields, Finney, Fitzpatrick, Ford, Gay, Greene, Gullette, Hahn, Haley, Hall, Hart, Henry, Hinkle, Hislope, Hodges, Hopkins, Howard, Isler, Kincer, Kingsbury, Lovelace, Lyon, McCallum, McGuire, Mackey, Moore, Newberry, Nunn, Ockerman, Parrish, Peace, Qualls, Ratcliffe, Rausch, Ray, Raybourne, Rayburn, Reed, Render, C. R. Reynolds, Richards, Searcy, Smith, Sowards, Steiger, Stith, Tinsley, S. R. Thomas, Walsh, Wathen, Wells, Whitehead, Wilson, Wirsch, Young; Nays, 0.

HB 13 was passed and the title agreed to.

HB 79 taken from Orders of the Day upon recommendation of the Rules Committee. Representative Everett moved that it be placed on passage. Agreed. **HB 79** read at length for the third time.

On roll call, the vote was: Yeas 83—Anderson, Arnold, Bach, Bartley, Barton, Billington, Breckinridge, Brown, Buchanan, Buckner, Burke, Burress, Bush, Chaudoin, Clore, Coffey, Combs, E. E. Cook, Bill Cornett, P. W. Cornett, Cottengim, Crecelius, P. F. Davis, W. F. Davis, Dempsey, Duff, Everett, Farmer, Fields, Finney, Fitzpatrick, Ford, Gay, Greene, Hahn, Haley, Hall, Hart, Hinkle, Hislope, Hodges, Hopkins, Howard, Isler, H. N. Johnson, Kincer, Kingsbury, Lovelace, Lyon, McCallum, McGuire, McReynolds, Mackey, Moore, Newberry, Nunn, Parrish, Peace, Qualls, Ratcliffe, Rausch, Ray, Raybourne, Rayburn, Reed, Render, C. R. Reynolds, Richards, Searcy, Smith, Steiger, Stith, Tanner, Tinsley, S. R. Thomas, Walsh, Wathen, Wells, Whitehead, Willen, Wilson, Wirsch, Young; Nays, 0.

HB 79 was passed and the title agreed to.

HB 340 taken from Orders of the Day upon recommendation of the Rules Committee. Representative Everett moved that it be placed on passage. Agreed. Read at length for the third time.

On roll call, the vote was: Yeas, 73—Anderson, Arnold, Bach, Bartley, Barton, Billington, Breckinridge, Brown, Buchanan, Buckner, Burke, Burress, Bush, Chaudoin, Clore, Coffey, Combs, E. E. Cook, M. W. Cook, Bill Cornett, P. W. Cornett, Crecelius, P. F. Davis, W. F. Davis, Dempsey, Duff, Everett, Farmer, Finney, Fitzpatrick, Ford, Greene, Hahn, Hart, Henry, Hodges, Hopkins, Howard, Isler, H. N. Johnson, Kincer, Kingsbury, Lovelace, Lyon, McGuire, McReynolds, Mackey, Moore, Newberry, Nunn, Parrish, Qualls, Ratcliffe, Rausch, Ray, Raybourne, Rayburn, Render, C. R. Reynolds, Smith, Sowards, Steiger, Stith, Tinsley, Ed Thomas, S. R. Thomas, Walsh, Wathen, Wells, Willen, Wilson, Wirsch, Young; Nays, 5—Casey, Hislope, Ockerman, Searcy, Tanner.

HB 340 was passed and the title agreed to.

HB 153 was taken from Orders of the Day on recommendation of the Rules Committee. Representative Everett moved that it be placed on passage. Agreed. Representative Fitzpatrick moved the Previous Question. Agreed.

On roll call, the vote was: Yeas, 30—Bach, Burke, Bush, Chaudoin, Clore, Combs, W. F. Davis, Farmer, Fields, Finney, Gullette, Hahn, Haley, Henry, Isler, Kubale, McReynolds, Newberry, Ratcliffe, Ray, Richards, Sowards, Steiger, Stith, Tinsley, Ed Thomas, Walsh, Wathen, Wirsch, Young; Nays, 35—Arnold, Bartley, Barton, Billington, Breckinridge, Brown, Buchanan, Burress, Coffey, M. W. Cook, Bill Cornett, P. W. Cornett, Crecelius, P. F. Davis, Dempsey, Everett, Fitzpatrick, Ford, Gay, Hall, Hinkle, Hislope, Hopkins, Howard, H. Nick Johnson, Lovelace, McCallum, Nunn, Ockerman, Parrish, Peace, C. R. Reynolds, Searcy, Whitehead, Willen.

HB 153 was defeated.

Representative Howard moved that the vote by which **HB 153** was defeated be reconsidered and said motion laid on the table. Agreed.

Senate Message

Senate message announcing passage of **HB 83** and **SB 14.**

Orders of the Day

HB 159 taken from Orders of the Day upon recommendation of the Rules Committee. Representative Everett moved that it be placed on passage. Agreed. Read at length for the third time.

On roll call, the vote was: Yeas, 71—Anderson, Bach, Bartley, Barton, Billington, Breckinridge, Brown, Burke, Burress, Bush, Casey, Chaudoin, Combs, E. E. Cook, M. W. Cook, Bill Cornett, P. W. Cornett, Crecelius, W. F. Davis, Dempsey, Duff, Everett, Fields, Finney, Fitzpatrick, Ford, Gay, Greene, Hahn, Haley, Hall, Hart, Henry, Hinkle, Hodges, Hopkins, Isler, Kincer, Kingsbury, Kubale, Lovelace, Lyon, McCallum, McReynolds, Mackey, Moore, Newberry, Nunn, Ockerman, Parrish, Peace, Qualls, Ratcliffe, Ray, Raybourne, Rayburn, Render, C. R. Reynolds, Richards, Searcy, Sowards, Steiger, Stith, Tanner, Ed Thomas, Walsh, Wathen, Willen, Wilson, Wirsch, Young; Nays, 0.

HB 159 was passed and the title agreed to.

The Speaker vacated the Chair and asked Representative Rayburn to preside.

HB 71 taken from Orders of the Day upon recommendation of the Rules Committee. Representative Everett moved that it be placed on passage. Agreed.

Representative Fitzpatrick moved to amend **HB 71** as follows:

Amend printed copy of **HB 71** on page 2, section 2, line 4 by deleting the word "shall" and placed in lieu thereof the word "may".

Amend printed copy of **HB 71** on pages 4, 5, and 6, section 4, lines 1 through 50 by deleting Section 4 in its entirety and substituting in lieu thereof the following:

"Section 4. A new section of KRS 100.320 to 100.490 is created to read as follows:

The Commission may exercise the same powers in relation to the county area as it has in relation to the city and municipal area as provided in KRS 100.350."

Amendments adopted.

Representative Tanner moved to amend **HB 71** as follows:

Amend printed copy of **HB 71** on pages 2, 3, and 4, section 3, lines 4, 22, 23, 24, 38, 41 and 42.

Delete the word "three" following the word "and" preceding the words "county members" and substitute in lieu thereof the word "five" on line 4.

Delete the words "county appointive administrative official to serve as ex-officio members" following the word "one" on line 22 and preceding the word "of" on line 23 and substitute in lieu thereof the words "member of the county legislative body and the county engineer to serve as ex-officio members."

Delete the word "two" following the word "remaining" and preceding the word "county" on line 24 and substitute in lieu thereof the word "three".

Delete the words "for terms of three and four years respectively" following the word "office" on line 38 and substitute in lieu thereof the words "one of them for two years the others for terms of four years each".

Delete the word "member" following the word "county" and preceding the word "shall" on line 41 and substitute in lieu thereof the word "members".

Delete the words "fiscal court" following the word "the" and preceding the word "for" on line 42 and substitute in lieu thereof the words "county judge with the approval of the fiscal court."

Amend printed copy of **HB 71** on page 15, section 18, lines 1 and 2. Delete section 18 in its entirety.

Amendments adopted.

Representative Breckinridge moved to amend **HB 71** as follows:

Amend printed copy of **HB 71** on page 2, section 3, lines 4, 5, 6, 7, 8, 9, and 10 by striking in subsection (1) all after the first sentence.

Amendment adopted.

HB 71 as amended read for the third time. Representative Fitzpatrick moved the Previous Question. Agreed.

On roll call, the vote was: Yeas, 63—Anderson, Arnold, Bach, Barton, Billington, Breckinridge, Buchanan, Burke, Burress, Bush, Casey, Chaudoin, Clore, Coffey, Combs, M. W. Cook, Bill Cornett, Crecelius, P. F. Davis, W. F. Davis, Everett, Farmer, Finney, Fitzpatrick, Ford, Hahn, Haley, Hall, Hart, Henry, Hinkle, Hislope, Hodges, Hopkins, Howard, Isler, Kingsbury, Kubale, Lovelace, McCallum, McGuire, McReynolds, Mackey, Newberry, Peace, Rausch, Ray, Raybourne, Rayburn, Render, C. R. Reynolds, Searcy, Smith, Sowards, Steiger, Stith, Tinsley, Walsh, Wathen, Wells, Wilson, Wirsch, Young; Nays, 1—Williams.

HB 71 was passed as amended and the title agreed to.

HB 160 taken from Orders of the Day upon recommendation of the Rules Committee. Representative Everett moved that it be placed on passage. Agreed. Read at length for the third time.

On roll call, the vote was: Yeas, 61—Anderson, Arnold, Bach, Barton, Billington, Breckinridge, Bush, Casey, Chaudoin, Clore, Combs, E. E. Cook, M. W. Cook, Bill Cornett, P. W. Cornett, P. F. Davis, W. F. Davis, Dempsey, Everett, Farmer, Finney, Ford, Gay, Hahn, Haley, Hall, Hart, Hinkle, Hislope, Hodges, Hopkins, Howard, Kingsbury, Lovelace, McCallum, McGuire, McReynolds, Mackey, Moore, Newberry, Nunn, Parrish, Qualls, Ratcliffe, Rausch, Ray, Raybourne, Rayburn, Render, C. R. Reynolds, Searcy, Smith, Steiger, Stith, Tanner, Tinsley, Walsh, Wells, Whitehead, Wilson, Wirsch; Nays, 0.

HB 160 was passed and the title agreed to.

HB 278 was taken from the Orders of the Day upon recommendation of the Rules Committee. Representative Everett moved that it be placed on passage. Agreed. Read at length for the third time.

On roll call, the vote was: Yeas, 71—Anderson, Arnold, Bach, Bartley, Barton, Billington, Breckinridge, Brown, Burke, Bush, Casey, Chaudoin, Coffey, Combs, E. E. Cook, M. W. Cook, Bill Cornett, P. W. Cornett, Crecelius, P. F. Davis, W. F. Davis, Dempsey, Farmer, Finney, Fitzpatrick, Ford, Gay, Greene, Hahn, Haley, Hart, Hinkle, Hislope, Hodges, Hopkins, Howard, Isler, Kingsbury, Kubale, Lovelace, McCallum, McGuire, McReynolds, Mackey, Moore, Newberry, Nunn, Ockerman, Parrish, Peace, Qualls, Ratcliffe, Rausch, Ray, Raybourne, Rayburn, Render, C. R. Reynolds, Searcy, Smith, Sowards, Steiger, Stith, Tanner, Tinsley, Walsh, Weintraub, Whitehead, Williams, Wilson, Wirsch; Nays, 0.

HB 278 was passed and the title agreed to.

HB 279 was taken from Orders of the Day upon recommendation of the Rules Committee. Representative Everett moved that it be placed on passage. Agreed.

Mr. Weintraub moved to amend **HB 279** as follows:

Amend printed copy of **HB 279** on page 2, after section 1, line 15 by adding the following:

Section 2. Section 80.150 of the Kentucky Revised Statutes is amended to read as follows:

If it becomes necessary to condemn property for the purpose of constructing any low-cost housing project, or securing right of ways leading thereto, the commission may, by resolution reciting the need, order the condemnation of any land or improvement or interest in land, that it deems necessary. Proceedings for the condemnation shall be in the circuit court of the county in which the property lies, and shall be conducted in the name of the commission. The city attorney shall conduct the proceedings, for the commission. The judgment of the court shall vest title in fee simple to the property condemned in the commission. In all other respects the form and manner of the proceedings shall be the same as that provided in KRS 416.120. No payment or award in any condemnation proceedings, or for the cost or expense of the proceedings, shall be made except from funds provided under the authority of this chapter.

Adopted.

HB 279 as amended read for the third time. On roll call, the vote was: Yeas, 69—Anderson, Arnold, Bach, Bartley, Billington, Breckinridge, Brown, Burke, Bush, Casey, Chaudoin, Coffey, Combs, M. W. Cook, Bill Cornett, P. W. Cornett, Crecelius, P. F. Davis, W. F. Davis, Dempsey, Farmer, Finney, Fitzpatrick, Ford, Gay, Greene, Hahn, Haley, Hall, Hart, Hinkle, Hislope, Hodges, Hopkins, Howard, Isler, Kingsbury, Kubale, Lovelace, McCallum, McGuire, McReynolds, Mackey, Moore, Newberry, Nunn, Ockerman, Parrish, Peace, Qualls, Ratcliffe, Rausch, Ray, Raybourne, Rayburn, Render, C. R. Reynolds, Richards, Searcy, Smith, Sowards, Steiger, Stith, Tanner, Tinsley, Weintraub, Whitehead, Williams, Wilson; Nays, 0.

HB 279 as amended was passed and the title agreed to.

HB 280 was taken from the Orders of the Day on recommendation of the Rules Committee. Representative Everett moved that it be placed on passage. Agreed. Read at length for the third time.

On roll call, the vote was: Yeas, 63—Anderson, Arnold, Bartley, Barton, Billington, Breckinridge, Brown, Buchanan, Burke, Casey, Chaudoin, Clore, Coffey, Bill Cornett, P. W. Cornett, Crecelius, P. F. Davis, W. F. Davis, Dempsey, Duff, Everett, Farmer, Finney, Ford, Gay, Greene, Hahn, Haley, Hall, Hart, Henry, Hinkle, Hislope, Hodges, Hopkins, Howard, Isler, Kingsbury, Kubale, Lovelace, McGuire, Moore, Newberry, Ockerman, Parrish, Peace, Qualls, Ratcliffe, Rausch, Raybourne, Rayburn, Render, Richards, Searcy, Smith, Steiger, Stith, Tanner, Tinsley, Whitehead, Williams, Wilson, Young; Nays, 0.

HB 280 was passed and the title agreed to.

HB 300 taken from Orders of the Day on recommendation of the Rules Committee. Representative Everett moved that it be placed on passage. Agreed. Read at length for the third time.

On roll call, the vote was: Yeas, 64—Anderson, Arnold, Bach, Barton, Billington, Breckinridge, Brown, Burke, Bush, Casey, Chaudoin, Clore, Coffey, Combs, M. W. Cook, Crecelius, P. F. Davis, W. F. Davis, Dempsey, Everett, Farmer, Finney, Fitzpatrick, Ford, Gay, Hahn, Haley, Hart, Hinkle, Hislope, Hodges, Hopkins, Howard, Kingsbury, Kubale, Lovelace, Lyon, McGuire, McReynolds, Mackey, Moore, Newberry, Nunn, Ockerman, Parrish, Peace, Ratcliffe, Rausch, Raybourne, Rayburn, Render, C. R. Reynolds, Richards, Searcy, Smith, Sowards, Steiger, Stith, Tanner, Tinsley, Williams, Wilson, Wirsch, Young; Nays, 0.

HB 300 was passed and the title agreed to.

HB 350 taken from Orders of the Day upon recommendation of the Rules Committee. Representative Everett moved that it be placed on passage. Agreed. Read at length for the third time.

On roll call, the vote was: Yeas, 64—Anderson, Arnold, Bach, Bartley, Barton, Billington, Breckinridge, Brown, Burke, Bush, Casey, Chaudoin, Clore, Coffey, Combs, M. W. Cook, Bill Cornett, P. W. Cornett, Crecelius, W. F. Davis, Everett, Finney, Fitzpatrick, Ford, Gay, Hahn, Haley, Hall, Hart, Hinkle, Hislope, Hodges, Hopkins, Howard, Isler, Kingsbury, Kubale, Lovelace, Lyon, McCallum, McGuire, McReynolds, Mackey, Moore, Newberry, Ockerman, Peace, Qualls, Ratcliffe, Raybourne, Rayburn, Render, Searcy, Smith, Sowards, Steiger, Stith, Tinsley, Wells, Whitehead, Williams, Wilson, Wirsch, Young; Nays, 0.

HB 350 was passed and the title agreed to.

The Speaker resumed the Chair.

Introductions

HR 100, by Representative Billington, A CONCURRENT RESOLUTION directing the Legislative Research Commission to study the obligations of airlines to the Commonwealth of Kentucky.

HB 587, by Representative Fitzpatrick, AN ACT relating to statements required of foreign and domestic corporations.

HB 351 taken from Orders of the Day on recommendation of the Rules Committee. Representative Everett moved that it be placed on passage. Agreed. Read at length for the third time.

On roll call, the vote was: Yeas, 63—Anderson, Arnold, Bach, Bartley, Barton, Billington, Breckinridge, Burke, Bush, Casey, Chaudoin, Clore, Coffey, Combs, E. E. Cook, M. W. Cook, Bill Cornett, P. W. Cornett, Crecelius, P. F. Davis, W. F. Davis, Dempsey, Everett, Farmer, Finney, Fitzpatrick, Ford, Hahn, Hale, Hart, Henry, Hinkle, Hislope, Hodges, Hopkins, Howard, Isler, Kingsbury, Kubale, Lyon, McCallum, McReynolds, Mackey, Moore, Newberry, Ockerman, Parrish, Qualls, Ratcliffe, Rausch, Ray, Raybourne, Render, C. R. Reynolds, Searcy, Smith, Sowards, Stith, Tinsley, Williams, Wilson, Wirsch, Young; Nays, 0.

HB 351 was passed and the title agreed to.

HB 352 was taken from Orders of the Day upon recommendation of the Rules Committee. Representative Everett moved that it be placed on passage. Agreed. Read at length for the third time.

On roll call, the vote was: Yeas, 63—Anderson, Arnold, Bach, Bartley, Barton, Billington, Breckinridge, Burke, Bush, Casey, Chaudoin, Clore, Coffey, Combs, Bill Cornett, P. W. Cornett, Crecelius, P. F. Davis, W. F. Davis, Dempsey, Everett, Farmer, Finney, Fitzpatrick, Ford, Hahn, Haley, Hall, Hart, Henry, Hinkle, Hopkins, Howard, Isler, Kingsbury, Lyon, McGuire, McReynolds, Mackey, Moore, Newberry, Ockerman, Parrish, Peace, Qualls, Ratcliffe, Ray, Raybourne, Render, C. R. Reynolds, Searcy, Smith, Sowards, Steiger, Stith, Tanner, Tinsley, Wells, Whitehead, Williams, Wilson, Wirsch, Young; Nays, 0.

HB 352 was passed and the title agreed to.

HB 353 taken from Orders of the Day upon recommendation of the Rules Committee. Representative Everett moved that it be placed on passage. Agreed.

Representative Stith moved to amend **HB 353** as follows:

Amend printed copy of **HB 353** on page 2, line 15 by striking the word, "Welfare" and inserting in lieu thereof the words, "Mental Health."

Adopted.

HB 353 read at length for the third time as amended.

On roll call, the vote was: Yeas, 68—Anderson, Arnold, Bach, Bartley, Barton, Billington, Breckinridge, Brown, Buchanan, Burke, Bush, Chaudoin, Clore, Coffey, Combs, M. W. Cook, Bill Cornett, P. W. Cornett, Crecelius, P. F. Davis, W. F. Davis, Dempsey, Duff, Everett, Farmer, Fields, Fitzpatrick, Gay, Greene, Hahn, Haley, Hall, Hart, Henry, Hinkle, Hislope, Hodges, Hopkins, Isler, Kingsbury, Kubale, Lyon, McCallum, McReynolds, Mackey, Moore, Newberry, Ockerman, Parrish, Peace, Qualls, Ratcliffe, Rausch, Raybourne, Render, C. R. Reynolds, Searcy, Smith, Sowards, Steiger, Stith, Tanner, Tinsley, Walsh, Wells, Whitehead, Wilson, Wirsch; Nays, 0.

HB 353 was passed as amended and the title agreed to.

HB 416 taken from Orders of the Day upon recommendation of the Rules Committee. Representative Everett moved that it be placed on passage. Agreed. Read at length for the third time.

On roll call, the vote was: Yeas, 3—Fitzpatrick, Isler, Rayburn; Nays, 60—Arnold, Bartley, Barton, Billington, Breckinridge, Brown, Buchanan, Burke, Casey, Chaudoin, Coffey, Combs, E. E. Cook, M. W. Cook, Bill Cornett, P. W. Cornett, Crecelius, P. F. Davis, Dempsey, Duff, Everett, Farmer, Fields, Finney, Ford, Gay, Hahn, Hall, Henry, Hinkle, Hislope, Hopkins, H. N. Johnson, Kingsbury, Lyon, McCallum, McGuire, Mackey, Newberry, Ockerman, Parrish, Peace, Qualls, Ratcliffe, Rausch, Raybourne, C. R. Reynolds, Richards, Searcy, Smith, Sowards, Steiger, Stith, Tanner, Wells, Whitehead, Willen, Williams, Wilson, Wirsch.

HB 416 was defeated.

Representative Marlow Cook moved that the vote by which **HB 416** was defeated be reconsidered and said motion laid on the table. Agreed.

Reference of Bills

The following Bills and Resolutions were referred to the Rules Committee:

HB 558
HB 559
HB 560
HB 561
HB 562
HB 563
HB 564
HB 565
HB 566
HB 567
HB 568
HB 569
HB 570
HB 571
HB 572
HR 94
HR 95
HR 96

Introductions

HR 101, by Representative Tanner, A CONCURRENT RESOLUTION authorizing and directing the adjournment of the General Assembly sine die.

Representative Everett moved that the House adjourn until 11:00 a.m., March 6. Agreed.

THURSDAY, MARCH 6, 1958

FORTY-SEVENTH LEGISLATIVE DAY

The House was called to order by the Speaker, Mr. Weintraub.

Invocation by the Reverend Robert J. Laughlin, of the First Presbyterian Church, of Frankfort.

The roll was called. All members present except Baumgardner, Casey, P. F. Davis, Fields, Hale, Huddleston, Huston Johnson, Miller, Nunn, Rausch, Richards, Steiger, Tinsley, Willen, Wilson.

Senate Message

Senate message announcing passage of **SB 71, SB 137, SB 199, SB 202, SB 203, SB 222, SB 227, SB 233, SB 236, SB 237, SR 50, HB 72, HB 140, HB 270.**

Representative Chaudoin moved that absent members be granted leaves of absence. Agreed.

Representative Isler moved that reading of the Journal for March 5 be dispensed with and the same approved. Agreed.

Report of the Rules Committee

The Rules Committee reported **HB 139** with Committee Amendments, **HB 319, HB 418, HB 447, HB 448, HB 449, HB 450, HB 451, HB 452, HB 453, HB 454, HB 455, HB 456, HB 457, HB 196,** with the expression of opinion that the same should pass. Said bills read at length for the first time and ordered placed in the Calendar.

HB 139, AN ACT relating to motor transportation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 281.010 of the Kentucky Revised Statutes is hereby repealed and re-enacted to read as follows:

As used in this chapter, unless the context requires otherwise:

(1) The term "person" means any individual, firm, partnership, corporation, company, association or joint stock association, and includes any trustee, assignee, or personal representative thereof;

(2) The term "department" means the Department of Motor Transportation;

(3) The term "city" means a municipality incorporated under the laws of this state;

(4) The term "state" means the Commonwealth of Kentucky;

(5) The term "highway" means all public roads, highways, streets and ways in this state, whether within a municipality or outside of a municipality;

(6) The term "certificate" means a certificate of public convenience and necessity issued under this chapter to common carriers by motor vehicle and a certificate issued to irregular route common carriers authorizing their operation thereunder;

(7) The term "permit" means a permit issued under this chapter to contract carriers by motor vehicle and to persons engaging in the business of U-Drive-It;

(8) The term "interstate commerce" means commerce between any place in a state and any place in another state;

(9) The term "intrastate commerce" means commerce between any place in this state and any other place in this state.

Section 2. A new section of Chapter 281 of the Kentucky Revised Statutes is hereby created to read as follows:

As used in this chapter, unless the context requires otherwise:

(1) The term "carrier" or "motor carrier" means any person who owns, controls, operates, manages, or leases, except persons leasing to authorized carriers, any motor vehicle for the transportation of persons or property for hire upon any highway, and any person who engages in the business of U-Drive-It. It shall include common and contract carriers by motor vehicle, city and suburban buses, driveaways and U-Drive-Its;

(2) The term "motor vehicle" means any motor propelled vehicle used for the transportation of persons or property for hire on a public highway, including any such vehicle operated as a unit in combination with other vehicles, and including vehicles propelled by electric power obtained from overhead wires whether operating over rails or otherwise;

(3) The term "common carrier" means any person who holds himself out to the general public to engage in the transportation by motor vehicle of persons or property in intrastate or interstate commerce over regular routes, except that persons holding irregular route common carrier authority granted by the Interstate Commerce Commission, taxicabs, and local cartage vehicles are not required to move over regular routes;

(4) The term "irregular route common carrier" means any person who holds himself out to the general public to engage in the transportation by motor vehicle over irregular routes of specific commodities which have been, or will be, designated by the department as exempted commodities, including specific commodities removed from the exemption commodity list by the department where the right to engage in the transportation of same has been properly grandfathered into the appropriate authority under the applicable statutes.

(5) The term "contract carrier" means any person who, under individual contracts or agreements, engages in the transportation, other than transportation referred to in subsections (3) and (4) by motor vehicle of passengers or property in interstate or intrastate commerce;

(6) The term "exempted commodities" means such commodities that are normally and usually not transported by common carriers by motor vehicle;

(7) The term "driver" or "chauffeur" means the person physically operating the motor vehicle;

(8) The term "regular seat" means a seat ordinarily and customarily used by one passenger and in determining such seating capacity the manufacturer's rating may be considered.

Section 3. A new section of Chapter 281 of the Kentucky Revised Statutes is hereby created to read as follows:

As used in this chapter, unless the context requires otherwise:

(1) "Suburban area" means territory wholly within the State of Kentucky which extends not more than two air miles beyond the corporate limits of any municipality and one mile additional for each fifty thousand population or major fraction thereof, and, where one or more municipalities are contiguous or adjoining, the combined population of such contiguous or adjoining municipalities shall be considered in determining the suburban area of each such contiguous or adjoining municipality; provided, however, the department may, from time to time, upon a showing as hereinafter provided, authorize and permit the holder of a suburban bus certificate to extend its operations beyond the territorial limits of any such city or cities for a distance not to exceed ten air miles, if said department finds:

(a) That the territory proposed to be served adjoins or is contiguous to said city; and

(b) That the territory proposed to be served has such density of population and that the physical, business, economic and social interest is such as to make it an integral part of the city to which it adjoins or is contiguous and that it would be in the public interest and to the benefit of persons residing in said territory that they be served by the holder of a suburban bus certificate;

(2) "Commercial area" means territory wholly within the Commonwealth which extends not more than two air miles beyond the corporate limits of any municipality and one mile additional for each fifty thousand population or major fraction thereof, and, where one or more municipalities are contiguous or adjoining, the combined population of such contiguous or adjoining municipalities shall be considered in determining the commercial area of each such contiguous or adjoining municipality; provided, however, the department may, from time to time, upon a showing, as hereinafter provided, authorize and permit the holder of a certificate authorizing the transportation of property to extend its operations beyond the territorial limits of any such city or cities for a distance not to exceed ten air miles, if said department finds:

(a) That the territory proposed to be served adjoins or is contiguous to said city; and

(b) That the territory proposed to be served has such density of population and that the physical, business, economic and social interest is such as to make it an integral part of the city to which it adjoins or is contiguous and that it would be in the public interest and to the benefit of persons residing in said territory that they be served by the holder of a certificate authorizing the transportation of property.

Section 4. A new section of Chapter 281 of the Kentucky Revised Statutes is hereby created to read as follows:

As used in this chapter, unless the context requires otherwise:

(1) (a) A "city bus certificate" means a certificate granting authority only for the operation of motor vehicles transporting passengers for hire between points within the corporate limits of a city and over regular routes;
(b) A "city bus" is a motor vehicle operated under one or more city bus certificates;
(c) The term "city bus license" means a license plate issued for a bus authorizing its operation under one or more city bus certificates or a combination of city bus certificates and suburban bus certificates;

(2) (a) A "suburban bus certificate" means a certificate granting authority only for the operation of motor vehicles carrying passengers for hire within the confines of either one or more cities and their suburban area, or a suburban area, over regular routes but not granting authority to engage in intracity transportation;
(b) A "suburban bus" is a motor vehicle operated under one or more suburban bus certificates;
(c) The term "suburban bus license" means a license plate issued for a bus authorizing its operation under one or more suburban bus certificates;

(3) (a) An "industrial bus certificate" means a certificate granting authority only for the operation of motor vehicles exclusively transporting employes of a given industry or industries for hire to and from their place of employment;
(b) An "industrial bus" is a motor vehicle operated under an industrial bus certificate;
(c) The term "industrial bus license" means a license plate issued for a bus authorizing its operation under an industrial bus certificate.

Section 5. A new section of Chapter 281 of the Kentucky Revised Statutes is hereby created to read as follows:

As used in this chapter, unless the context requires otherwise:

(1) (a) The term "taxicab certificate" means a certificate granting authority only for the operation of a given number of motor vehicles transporting passengers for hire, the principal operation of which is confined to the corporate limits of one city and its suburban area, and not operating over any regular route, and the destination of which motor vehicles are designated by the passengers at the time of such transportation;

(b) A "taxicab" is a motor vehicle operated under one or more taxicab certificates, and is a vehicle designed or constructed to transport not more than six passengers exclusive of the driver;

(c) The term "taxicab license" means a license plate issued to a taxicab authorized to operate under a taxicab certificate;

(2) (a) An "airport limousine certificate" means a certificate granting authority only for the operation of motor vehicles exclusively transporting passengers or baggage for hire over regular routes between points within a city or its suburban area and an airport;

(b) An "airport limousine" is a motor vehicle operated under one or more airport limousine certificates;

(c) The term "airport limousine license" means a license plate issued for a motor vehicle authorizing its operation under one or more airport limousine certificates;

(3) (a) The term "local cartage certificate" means a certificate granting authority only for the operation of motor vehicles exclusively engaged in the transportation of property for hire between points within a city or within a city and its commercial area;

(b) A "local cartage vehicle" is a motor vehicle operated under a local cartage certificate;

(4) The term "U-Drive-It" means any person who leases or rents a motor vehicle for a consideration to be used for the transportation of persons or property, but for which no driver is furnished, and the use of which motor vehicle is not for the transportation of persons or property for hire by the lessee or rentee;

(5) The term "Driveaway" means the transporting and delivering of motor vehicles, except semitrailers, and trailers, whether destined to be used in either a private or for-hire capacity, under their own power or by means of a full mount method, saddle mount method, the tow bar method or any combination of them over the highways of this state from any point of origin to any point of destination for-hire. The transportation of such vehicles by the full mount method on trailers or semitrailers shall not be included in the term.

Section 6. Section 281.605 of the Kentucky Revised Statutes is hereby repealed and re-enacted to read as follows:

The provisions of this chapter shall not apply, except as to the safety regulations,, to:

(1) Motor vehicles used as school buses and while engaged in the transportation of students, under the supervision and control and at the direction of school authorities;

(2) Motor vehicles, regardless of ownership, used exclusively:

(a) For the transportation of agricultural and dairy products, including fruit, livestock, meats, fertilizer, wood, lumber, cotton, products of grove or orchard, poultry and eggs, while owned by the producer of the products, including landlord where the relation of landlord and tenant or landlord and cropper is involved, from the farm to a market, warehouse, dairy or mill, or from one market, warehouse, dairy or mill to another market, warehouse, dairy or mill; or

(b) For the transportation of agricultural and dairy products, livestock, farm machinery, feed, fertilizer, and other materials and supplies essential to farm operation, from market or shipping terminal to farm; or

(c) For both the purposes described in subparagraphs (a) and (b) of this paragraph; or

(d) For the transportation of agricultural and dairy products from farm to regularly organized fairs and exhibits and return;

(3) Motor vehicles used exclusively as church buses and while operated in the transportation of persons to and from a church or place of worship or for other religious work under the supervision and control and at the direction of church authorities;

(4) Motor vehicles used exclusively in transporting materials, supplies and equipment for the construction, reconstruction or maintenance of any public highways, road or street in this state;

(5) Motor vehicles used exclusively for the transportation of property belonging to a nonprofit cooperative association or its members where the vehicle is owned or leased exclusively by the association;

(6) Motor vehicles owned in whole or in part by any person and used by such person to transport petroleum products and those incidental supplies used or sold in connection with the wholesale or retail sale of such petroleum products of which petroleum products or incidental supplies, such person is the owner, lessee, consignee, or bailee; provided, however, that such transportation is for the purpose of sale, lease, rent or bailment, and is an incidental adjunct to an established private business owned and operated by such person in the furtherance of any commercial enterprise other than the business of transportation of property for hire.

Section 7. A new section of Chapter 281 of the Kentucky Revised Statutes is hereby created to read as follows:

The following vehicles operated by a carrier or motor carrier shall be exempt from the tax imposed by KRS 281.810 and KRS 281.813; motor vehicles registered under subsection (3) of KRS 186.050 or motor vehicles owned by any person not a resident of this state and duly registered under the laws of any other state, which when operated in this state are used exclusively for the transportation of property for hire, or as a U-Drive-It, within the corporate limits of the city named in the affidavit hereinafter required to be filed or within ten miles of the limits of such city if such city is a city of the first, second, third or fourth class, or within five miles of the limits of such city if such city is a city of the fifth or sixth class. Operation outside of this state shall not be considered in determining whether or not this exemption applies. When claiming exemption under this section, the carrier shall file with the department an affidavit stating that the motor vehicle when used in this state is to be used only for the transportation of property within the city named in the affidavit and the area above set out, and that the vehicle will not be used outside of such city and the area above set out during the current registration period. The carrier shall furnish such other information as may be required by the rules and regulations of the department, and shall otherwise be subject to the provisions of KRS Chapter 281 and the rules and regulations of the Department of Motor Transportation.

Section 8. Section 281.617 of the Kentucky Revised Statutes is amended to read as follows:

Every certificate exclusively authorizing the transportation of property, except local cartage certificates, shall be so construed as to authorize the holder thereof to serve the commercial area of any point or points authorized to be served by the certificate, provided, however, that nothing herein shall be construed to obviate or remove any specific restriction or limitation presently existing in any such certificate, and such limitation or restriction shall remain in full effect. And further provided that nothing herein shall be so construed as to permit the holder of a common carrier certificate or permit other than a local cartage certificate to pick up and deliver freight having its origin and destination in a single city and its commercial area.

Section 9. Section 281.625 of the Kentucky Revised Statutes is amended to read as follows:

(1) Upon the filing of an application for a certificate or permit or for amendment or for sale, transfer or lease or for change in route or for abandonment of a certificate or permit, the department shall, within a reasonable time, fix the time and place for a hearing. At least thirty days before the hearing, the department shall mail written notice of the hearing, and of the right to file a protest, in accordance with the regulations of the department, to the applicant and every authorized carrier, including railroads, serving any part of the route proposed to be served or abandoned by the applicant. The department may also give similar notice to any person, who, in the opinion of the department, may be interested in or affected by the granting of the application.

(2) At the time fixed in the notice the department shall hold a public hearing on the application. Any person having interest in the subject matter may, in accordance with the regulations prescribed therefor, file a protest to the granting, in whole or in part, of the application.

(3) The department, may, if the application is solely for rights previously granted by the Interstate Commerce Commission, dispense with the holding of a hearing.

(4) Persons engaged in the transportation in interstate commerce in Kentucky of any commodity exempted by the Interstate Commerce Commission from regulation shall be subject to the same Kentucky requirements and regulations as if such persons were transporting commodities not exempted by the Interstate Commerce Commission, except that in lieu of filing or registering with the department a certificate of public convenience and necessity as issued by the Interstate Commerce Commission, such persons shall apply to the department for a permit or certificate restricted to interstate commerce and such a permit or certificate may be issued without a hearing.

(5) If such applicant has been granted an irregular route common carrier certificate by the Interstate Commerce Commission, the department may grant an irregular route common carrier certificate restricted to operation in interstate commerce, and on the granting of same, it shall notify the Department of Revenue of the applicant's operation.

(6) The department shall have the power to designate certain commodities as exempted commodities and may grant an irregular route common carrier certificate upon application, to transport only such exempted commodities without the holding of a hearing; and the department shall also have the power to remove any commodity so designated at any time with a hearing.

(7) The department may grant a permit, upon application, to operate a U-Drive-It without the holding of a hearing.

Section 10. Section 281.626 of the Kentucky Revised Statutes is amended to read as follows:

In the event a hearing be held by the department upon an application for a U-Drive-It permit, the question for determination shall be the fitness, willingness and ability of the applicant, and whether the operation proposed is bona fide.

Section 11. Section 281.627 of the Kentucky Revised Statutes is amended to read as follows:

Certificates or permits authorizing the transportation of petroleum and petroleum products in bulk in tank trucks shall be so construed as to authorize the holder thereof to transport liquid commodities of every description in bulk in tank trucks, provided, however, that nothing herein shall be construed to obviate or remove any specific restriction or limitation as to areas which may be served that presently exist in any such certificate or permit, and such limitation or restriction shall remain in effect.

Section 12. Section 281.630 of the Kentucky Revised Statutes is amended to read as follows:

(1) A certificate shall be issued to any qualified applicant therefor, authorizing the whole or any part of the operation covered by the application, if it is found that the applicant is fit, willing and able

properly to perform the service proposed and to conform to the provisions of this chapter and the requirements and the rules and regulations of the department thereunder, and further that the existing transportation service is inadequate, and that the proposed service, to the extent to be authorized by the certificate, is or will be required by the present or future public convenience and necessity, and that the proposed operation, to the extent authorized by the certificate, will be consistent with the public interests and the transportation policy declared in this chapter; otherwise such application shall be denied, provided, however, that nothing herein shall be construed so as to require the department to give, to any existing carrier authorized to render service to, from or between, any point on the route proposed to be served by the applicant, any notice regarding the quality or quantity of its service to, from or between such points or to require the department to give to such existing carrier any opportunity to improve its existing service or to render the service found to be needed before the issuance of a certificate to the applicant.

(2) In granting a certificate, the order, among other things, shall specify the route or routes of service and territory to be served, provided that where the certificate to be granted specifies a route or routes or portion of a route or routes common to a certificate or certificates authorizing the same type of operation held by the applicant, all such certificates shall constitute but a single operating authority over that portion of the route or routes common to the certificates. The order granting a certificate shall not limit the number of vehicles to be operated by the motor carrier except that, in the granting of a certificate for the operation of taxicabs, the order shall specify the maximum number of taxicabs to be operated thereunder.

(3) A carrier shall be entitled to have issued to it by the department as many certificates, and of such types, as will cover its entire authorized operation.

(4) A permit shall be granted to any qualified applicant therefor authorizing in whole or in part the operations covered by the application, if it appears from the application and the hearing held thereon that the applicant is fit, willing and able properly to perform the service of a contract carrier by motor vehicle and to conform to the provisions of this chapter and the lawful requirements, rules and regulations of the department thereunder, and that the proposed operation to the extent authorized by the permit will be consistent with the public interest and the transportation policy declared in this chapter, and that it will not unreasonably impair the efficient public service of any authorized common carrier then adequately serving the same territory, and if it further appears that the existing transportation service is inadequate, and that it appears that the proposed service is needed; otherwise such application shall be denied. The department shall specify in the permit the business of the contract carrier covered thereby and the scope thereof, and shall attach to it at the time of

issuance, and from time to time thereafter, such reasonable terms, conditions and limitations consistent with the character of the holder as a contract carrier as are necessary to carry out, with respect to the operations of such carrier, the requirements established by the department.

(5) Amendment or change of route or abandonment of a certificate or permit shall be granted upon the same basis that an original certificate or permit is granted.

(6) Any certificate or permit may be sold, assigned, leased or transferred, after a hearing and notice to interested parties as provided for in KRS 281.625, provided the transferee is fit, willing and able to render the proposed services unless it would be against the public interest, and provided further that the commissioner may approve the sale and transfer of a certificate for the operation of taxicabs without a hearing if, after due notice of the proposed sale or transfer is given to all interested parties in accordance with the rules and regulations of the department, no protest is filed to the proposed sale or transfer and the commissioner believes that it will be in the public interest.

(7) For the purpose of this section, a transfer of the controlling stock of a corporation owning a certificate or permit may be considered a transfer of said certificate or permit.

(8) Upon the consummation of a merger or consolidation of motor carriers as effected under the provisions of KRS Chapter 271, the surviving or new corporation, as the case may be, shall own and possess all the certificates, permits, authorizations, licenses, rights, privileges, franchises and properties owned or possessed by each of such motor carriers; and if such merger or consolidation is set aside, the certificates, permits, authorizations, licenses, rights, privileges, franchises and properties acquired by the surviving or new corporation through the merger or consolidation shall become revested in the corporation from which acquired, unless disposed of, subject to such indebtedness and liens as may be equitable, and all other properties of the surviving or new corporation shall become vested in the constituent corporation in such manner as may be fair and equitable.

(9) (a) Notwithstanding the provisions of subsection (3) of this section, where a motor carrier has been granted two or more certificates or permits authorizing the same type of operation over a route or routes or a portion of a route or routes common to two or more of the certificates or permits, the carrier shall be deemed to possess only one operating authority over that portion of the routes common to the certificates or permits.

(b) The department is authorized to recall any certificates and to reissue one or more certificates covering the exact authority.

Section 13. Section 281.665 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any bona fide motor carrier or its successor operating city busses as of December 31, 1949, under a valid certificate, franchise, statute, authorization, or in bona fide operation on said date, shall be entitled to such certificate or certificates and of such type or types as are defined in this chapter that cover their operations as of December 31, 1949.

(2) Any holder of any other type of valid certificate or permit issued prior to June 15, 1950, shall be entitled, upon renewal, to such certificates or permits, as the case may be, that will grant the holder thereof the same authority that the certificates or permits held on June 15, 1950, granted.

(3) All certificates or permits grandfathered shall be subject to the same limitations and restrictions as were imposed on such certificate or permit, and if validity of any certificate or permit issued by the Division of Motor Transportation was in litigation on December 31, 1949, and is finally held to be invalid, then such certificate or permit shall not be grandfathered.

(4) Any person engaged, as of December 31, 1953, in the operation of a local cartage business shall, upon application and upon the approval of the department, be entitled to such certificate or certificates of such type or types as defined in this chapter to cover their local cartage operations as of December 31, 1953. In the event the department does not approve such application, the applicant shall be entitled to a hearing.

(5) Any person engaged, as of December 31, 1953, in the operation of an airport limousine business may, upon application, be entitled to such certificate or certificates of such type or types as are defined in this chapter to cover their airport limousine operations as of December 31, 1953, and if the department so desires, it may require a hearing upon any such application to establish the applicant's rights thereunder.

(6) Any person engaged, as of December 31, 1953, in the operation of a U-Drive-It business may, upon application, be entitled to such certificate or certificates of such type or types as are defined in this chapter to cover their U-Drive-It operations as of December 31, 1953, and if the department so desires, it may require a hearing upon any such application to establish the applicant's rights thereunder.

(7) Whenever the department, in the exercise of its powers pursuant to KRS 281.625, shall cease to designate any given commodity or commodities as an exempted commodity, any motor carrier operating as of the date of the department's action pursuant to a certificate or permit authorizing the transportation of such commodity or commodities, may be entitled to such authority as will thereafter authorize continuation of the same operation which was being conducted at the time of the department's action in removing the item or items.

(8) All certificates or permits grandfathered shall be subject to the same limitations and restrictions as were formerly imposed on such certificates or permits and if the validity of any certificate or permit issued by the department was or is in litigation at the time of its grandfathering date, and is finally held to be invalid, then such certificate or permit shall not be grandfathered.

Section 14. Section 281.675 of the Kentucky Revised Statutes is amended to read as follows:

(1) Every rate, fare and charge demanded or received by any common carrier or irregular route common carrier shall be just and reasonable, and every such carrier shall furnish adequate, efficient, safe and reasonable service.

(2) Every contract made by a contract carrier for transportation service shall be just and reasonable, and shall be comparable to the rate charged by any common carrier, and such contract carrier shall furnish adequate, efficient, safe and reasonable service.

Section 15. Section 281.680 of the Kentucky Revised Statutes is amended to read as follows:

(1) Under rules and regulations prescribed by the department, every common carrier or irregular route common carrier shall maintain on file with the depatment a schedule of rates, fares, charges and classifications, and a time schedule, if any, of all motor vehicles operated under a certificate, and shall keep open for public inspection at designated offices so much of such schedules as the department deems necessary for public information.

(2) Under rules and regulations prescribed by the department, every contract carrier shall maintain on file with the department all contracts made for transportation, and shall keep open for public inspection at designated offices such contracts as the department deems necessary for public information.

(3) No schedule of rates need be filed for the transportation of any commodity that has been exempted by the department, except that the department may require the filing of a schedule of rates.

(4) The department shall have full power concerning the control of rates and contracts under its rules and regulations.

Section 16. Section 281.685 of the Kentucky Revised Statutes is amended to read as follows:

(1) No common carrier or irregular route common carrier shall charge, demand, collect or receive a greater, less or different compensation for the transportation of persons or property or for any service in connection therewith, than the rates, fares and charges specified in its tariffs and classifications filed with the department and in effect at the time; nor shall any common carrier or irregular route common carrier refund or remit any part of the rates, fares or charges so specified, or make or give any unreasonable preference or advantage to any person, or subject any person to any unreasonable discrimination.

(2) No contract carrier shall charge, demand, collect or receive a greater, less or different compensation for the transportation of persons or property or for any service in connection therewith than that contained in the contract required to be filed with the department and in effect at the time; nor shall any contract carrier refund or remit any part of the charges specified in the contract, or make or give any unreasonable preference or advantage to any person, or subject any person to any unreasonable discrimination.

Section 17. Section 281.690 of the Kentucky Revised Statutes is amended to read as follows:

(1) No common carrier or irregular route common carrier shall make any change in any rate that has been duly established under this chapter except that after thirty days' notice to the department, which notice shall state plainly the changes proposed to be made and the proposed effective date of such change. The carrier shall also give notice of the proposed change to other interested persons in such manner as the department directs in its rules and regulations. All proposed changes shall be shown by filing new tariffs in the form and manner prescribed by the department. The department may, in accordance with regulations prescribed therefor, upon the showing of good cause, provide for the allowance of a change in rates by holders of certificates authorizing only transportation of property upon notice less than that herein specified.

(2) Whenever any tariff setting forth a change in rates is filed, the department may, upon its own initiative, and shall, upon protest filed in accordance with the regulations of the department, enter upon a hearing concerning the lawfulness of the proposed rate. At least thirty days before the hearing the department shall mail written notice of the hearing to the applicant, the protestant and to any other person who, in the opinion of the department, may be interested in or affected by the proposed change in rate. The department may suspend the operation of the new rates for a period of not more than six months from the proposed effective date by order, giving reasons therefor. If after the hearing the department finds the proposed rate, or any part thereof, to be unjust, unreasonable, or unjustly discriminatory, or in violation of law, the department shall determine the just and reasonable rate to be charged and shall fix the same by order.

(3) No contract carrier shall make any change in its contract filed with the department except upon the approval of the department.

Section 18. Section 281.780 of the Kentucky Revised Statutes is amended to read as follows:

(1) An appeal to the Franklin Circuit Court may be taken from any final order of the department by anyone who was a party to the proceedings before it.

(2) In the case of an appeal wherein a certificate or permit has been issued or amended or revoked or suspended or sold or transferred,

the certificate or permit or its amendment shall remain in force until final disposition of the appeal.

(3) An appeal may be taken by filing a petition of appeal with the Clerk of the Franklin Circuit Court within twenty days after the rendition of the final order of the department. The petition shall state completely the grounds upon which the review is sought and shall assign all errors relied upon. The appellant shall furnish a copy of the petition to each person who was a party to the hearing before the department. Summons shall be issued upon the petition directing the adverse party or parties to file answer within fifteen days after service of summons. The department shall, upon being served with the summons, and within thirty days thereafter, file a copy of the record, duly certified by the commissioner, the cost of such record to be taxed as costs upon appeal. In lieu of filing of such record, an abstract thereof may be filed if agreed to by all parties to the hearing.

Section 19. Section 281.835 of the Kentucky Revised Statutes is amended to read as follows:

To carry out the declaration of policy provided for in KRS 281.590, the department may enter into reciprocity agreements with other jurisdictions whereby motor vehicles, as defined in KRS 186.010 and subsection (2) of Section 2 hereof, while operating into or through the Commonwealth of Kentucky in interstate commerce and properly licensed in another state, shall be exempt in whole or in part from registration fees under KRS Chapter 186 and the weight tax or mileage tax and seat tax under this chapter, provided like or similar privileges are granted motor vehicles, as defined in KRS 186.010 and subsection (2) of Section 2 hereof, properly licensed in this state.

Section 20. A new section of Chapter 281 of the Kentucky Revised Statutes is hereby created to read as follows:

Every dealer in motor trucks or tractors to be used in combination with semi-trailers who engages in the practice of transporting property for hire for demonstration purposes shall pay to the department an annual excise tax based on the gross weight of the motor vehicle so demonstrated an amount equal to the weight tax imposed by KRS 281.810. The Department shall issue a metal license place designated "dealer demonstration." The use of such tag shall be limited to demonstration purposes, and the tag may be transferred from one vehicle to another. The department may adopt regulations governing the use and transfer of such license tags.

Section 21. Section 189.222 of the Kentucky Revised Statutes is amended to read as follows:

The Commissioner of Highways, in respect to highways which are a part of the state-maintained system, by official order, may increase on designated highways or portions thereof, the maximum height, length and gross weight prescribed in KRS 189.221, if in the opinion of said commissioner, the increased height, length and weight designated by him are justified by the strength, safety and durability of the designated highways, and said highways do not appear susceptible to unreasonable and unusual damage by reason of such increases; and said commissioner is authorized to establish reasonable classifications of such roads and to fix a different maximum for each classification. However, in no event shall any motor truck or tractor semi-trailer combination, including any part of the body or load, exceed the following dimensions and weights:

(1) Height, 13½ feet.

(2) Length, truck tractors and semi-trailers, 50 feet; motor trucks, 35 feet.

(3) Weight, 18,000 pounds per single axle, with axles less than 42 inches apart to be considered as a single axle; 32,000 pounds on two axles in tandem arrangement which are spaced 42 inches or more apart and less than 120 inches apart; 600 pounds per inch of aggregate width of all tires; gross weight, 59,640 pounds.

(4) A tolerance of not more than five percent per axle load shall be permitted before a carrier is deemed to have violated subsection (3) of this section. In no event shall the gross weight exceed 59,640 pounds.

Section 22. Section 281.811 of the Kentucky Revised Statutes is hereby repealed.

Amend printed copy of **HB 139** on page 3, section 2, line 29 by striking the word "exemption" and substituting in lieu thereof the word "exempted."

Amend printed copy of **HB 139** on page 3, section 2, lines 38 through 40 by striking lines 38 through 40 in its entirety.

Amend printed copy of **HB 139** on page 11, section 8, lines 12 and 13 and substituting therefor the following: "a common carrier certificate authorizing operations over regular routes to pick up and deliver freight having its origin and"

Amend printed copy of **HB 139** on page 13, section 9, lines 41 and 42 by striking lines 41 and 42 and substituting in lieu thereof the following:

"(6) The department shall promulgate regulations designating as exempted commodities those commodities which are normally and usually not transported by common carriers by motor vehicle and may grant"

Amend printed copy of **HB 139** on pages 13 and 14, section 11, lines 1 through 11 by striking Section 11 in its entirety.

Amend printed copy of **HB 139** on page 19, section 13, line 56 by inserting after line 56 the following:

"(9) Any holder of any other type of valid certificate or permit issued prior to the effective date of this Act shall be entitled, upon renewal, to such certificates or permits, as the case may be, that will grant the holder thereof the same authority that was granted by the certificates or permits held on the effective date of this Act."

Amend printed copy of **HB 139** on page 25, section 22, lines 1 and 2 by striking Section 22 in its entirety.

Amend printed copy of **HB 139** on pages 24-25, section 21, lines 1 through 30 by striking lines 1 through 30.

Amend printed copy of **HB 139** on page 25, after Section 22, line 2, by inserting the following:

Section 23. This Act shall become effective on July 1, 1958.

Amend printed copy of **HB 139** on page 18, section 13, lines 20 through 26 by striking lines 20 through 26 and substituting in lieu thereof the following:

"(4) Any person operating a motor vehicle exclusively engaged in the transportation of property for hire between points within a city or between such city and its commercial area, as of December 31, 1953, or who has purchased such an operation which was being so operated, upon filing a verified application, supported by documentary evidence showing that said operation has been actual and continuous since said date, upon approval of the Department, pursuant to a hearing, shall be entitled to such local cartage certificate or certificates, as the proof may warrant."

HB 319, AN ACT relating to the exercise of the right of eminent domain by companies authorized to construct or operate a railroad.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Any company authorized to construct or operate a railroad may, at its option, condemn land or material necessary for its use in the manner provided by KRS 416.230 to 416.310, in lieu of following the procedure set out in KRS 416.010 to 416.080.

HB 418, AN ACT relating to obscene literature.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 436.100 of the Kentucky Revised Statutes is amended to read as follows:

Any person who sells, lends, gives away or shows, offers to sell, lend, give away or show, has in his possession with intent to sell, lend, give away or show, or advertises in any manner or otherwise offers for sale, loan gift or distribution any obscene or disgusting book, magazine, pamphlet, newspaper, writing, picture, drawing, photograph, figure or image, or any written or printed matter of an indecent character, or who designs, copies, draws, photographs, prints, utters, publishes or in any manner manufactures or prepares any such matter or article, or who writes, prints, publishes or utters or causes to be written, printed, published or uttered any advertisement or notice of any kind giving information, directly or indirectly, stating or purporting to state, where, how, of whom or by what means any such matter or article named in this section can be purchased, obtained or had, or who employs, uses or permits any minor to do so, shall for the first offense be fined not less than five hundred nor more than three thousand dollars, or imprisoned for not less than six months nor more than three years, or both, and for each subsequent offense shall be fined not less than one thousand nor more than ten thousand dollars or imprisoned for not less than one year nor more than ten years or both.

Section 2. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) The Commonwealth attorney or the chief legal officer of any city, town, or village, in which a person, firm or corporation sells, or distributes or is about to sell or distribute or has in his possession with intent to sell or distribute or is about to acquire possession with intent to sell or distribute any book, magazine, pamphlet, newspaper, comic book, story paper, writing, paper, picture, drawing, photograph, figure, image or any written or printed matter of an indecent character, which is obscene, lewd, lascivious, filthy, indecent or disgusting, or which contains an article or instrument of indecent or immoral use or purports to be for indecent or immoral use or purpose; or in any other respect defined in KRS 436.100, may maintain an action for an injunction against such person, firm or corporation in the circuit court to prevent the sale or further sale or the distribution or further distribution or the acquisition or possession of any obscene book, magazine, pamphlet, comic book, story paper, writing, paper, picture, drawing, photograph, figure or image or any written or printed matter of an indecent character, herein described or described in KRS 436.100.

(2) The person, firm or corporation sought to be enjoined shall be entitled to a trial of the issues within one day after joinder of issue and a decision shall be rendered by the court within two days of the conclusion of the trial.

(3) In the event that a final order or judgment of injunction be entered against the person, firm or corporation sought to be enjoined, such final order of judgment shall contain a provision directing the person, firm or corporation to surrender to the sheriff of the county in which the action was brought any of the matter described in Section 1 of this Act and the sheriff shall be directed to seize and destroy the same.

(4) In any action brought as herein provided the Commonwealth attorney or chief legal officer of the city, town or village shall not be required to file any undertaking before the issuance of an injunction order provided for in paragraph two hereof, shall not be liable for costs and shall not be liable for damages sustained by reason of the injunc-

tion order in cases where judgment is rendered in favor of the person, firm or corporation sought to be enjoined.

(5) Every person, firm or corporation who sells, distributes, or acquires possession with intent to sell or distribute any of the matter described in paragraph one hereof, after the service upon him of a summons and complaint in an action brought by such officer of any city, town or village pursuant to this section is chargeable with knowledge of the contents thereof.

HB 447, AN ACT relating to parole.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 345 of the Criminal Code of Practice is amended to read as follows:

If the defendant, upon a new trial, be again convicted, the period of his former confinement in the penitentiary shall be allowed the prisoner by the Division of Corrections of the Department of Welfare, in determining the prisoner's eligibility date for parole on the new sentence and release date by expiration of sentence.

HB 448, AN ACT relating to prison traffic.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Any person who delivers, conspires with others to deliver, or attempts to deliver any article or thing to any prisoner confined in a state penal institution, or who shall receive any article or thing from any prisoner and conveys or attempts to convey it out of said institution, contrary to the rules and regulations thereof, shall be imprisoned for not less than one year nor more than five years.

HB 449, AN ACT relating to reformatories.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 196.070 of the Kentucky Revised Statutes is amended to read as follows:

The Division of Corrections shall:

(1) Supervise and administer the Kentucky State Reformatory at LaGrange and the Women's Prison, located in Shelby County, the Kentucky State Penitentiary at Eddyville, or any other divisions of said institutions, and the Prison Industrial Program within the penal institutions.

(2) Supervise the employment of prisoners, who have not been paroled, either within or without the walls or enclosures of these institutions.

(3) Determine and certify to the Parole Board the parole eligibility dates of prisoners confined in the penal institutions, in accordance with the provisions of KRS 439.110.

(4) Determine minimum, maximum, and conditional release dates of prisoners in accordance with the provisions of KRS 197.045.

HB 450, AN ACT relating to prison sentences and parole, repealing KRS 439.350.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 439.350 of the Kentucky Revised Statutes is repealed and re-enacted to read as follows:

(1) The total time served in the prison, the amount of good time earned during the period of confinement and the time on parole shall not exceed the period of the maximum sentence, except;

(a) The board may retain any prisoner on parole for a period of at least one year;

(b) If a parolee is determined by the board to have violated the provisions of his parole, the period of parole may be disallowed as a part of the period of the maximum sentence;

(c) Time spent as a fugitive from justice may be excluded in part of the period of the maximum sentence.

Section 2. A new section of the Kentucky Revised Statutes is enacted to read as follows:

(1) During the period of his parole a prisoner shall be amenable to the orders of the board and the division.

(2) Paroled prisoners shall be under the supervision of the division and subject to its direction for the duration of parole.

(3) When any paroled prisoner has performed the obligations of his parole for such time as shall satisfy the board that his final discharge is not incompatible with his welfare and that of society, the board shall make the final order of discharge and issue to the paroled prisoner a certificate of discharge.

(4) After final discharge has been ordered by the board the parolee may not be held again for a violation of that parole.

HB 451, AN ACT relating to parole.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 439.110 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any prisoner serving a sentence of fifteen years or less, or sentences aggregating fifteen years or less, may be considered for pa-

role by the Parole Board after he has served one-third of the sentence or sentences imposed upon him, provided he has served a minimum of six months.

(2) Any prisoner serving a sentence or sentences aggregating more than fifteen years and not more than twenty-one years may be considered for parole by the Parole Board after he has served at least six years of the sentence or sentences imposed upon him.

(3) Any prisoner convicted and sentenced for life or convicted and sentenced on one sentence or sentences aggregating more than twenty-one years may be considered for parole after serving eight years on said sentence or sentences.

(4) A sentence, on conviction of a felony, imposed upon a confined prisoner for a crime committed prior to his initial commitment, if designated to be served consecutively, shall be added to the sentence or sentences being served to determine parole eligibility.

(5) A prisoner receiving a sentence for a crime committed while confined in the penitentiary shall not accrue eligibility time toward parole on the latter sentence until he has become eligible for parole on the sentence or sentences for which he was originally confined.

HB 452, AN ACT relating to a departmental transfer of the criminal laboratory and the functions thereof, repealing KRS 196.090, and amending KRS 196.030.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 196.090 of the Kentucky Revised Statutes is repealed and a new section is created to read as follows:

(1) The Department of Public Safety through the Division of State Police shall:

(a) Establish and maintain a laboratory of criminal identification and statistics which shall receive and file fingerprints, photographs and other records pertaining to the investigation of crime and the apprehension of criminals; and

(b) Cooperate with the State, county and city law enforcing agencies of other states and of the United States in order to develop and carry on an interstate and national system of criminal identification.

(2) Persons in charge of any penal or correctional institution in the state, and all state law enforcement and peace officers operating identification facilities shall cooperate in providing the laboratory of criminal identification with fingerprints and descriptions of all persons lawfully committed to their custody or detained by them in cases where fingerprints and descriptions are taken, together with a report of the disposition of all cases of such persons.

Section 2. Section 196.030 of the Kentucky Revised Statutes is amended to read as follows:

(1) The department shall, unless otherwise provided by law, exercise all functions of the state in relation to:

(a) Management of penal, reform and correctional institutions;

(b) Control and management of state institutions for children;

(c) Management of state institutions for feeble-minded persons;

(d) Supervision of probation and parole;

(e) Supervision of juvenile probation;

(f) Control and care of feeble-minded persons committed to the department;

(g) The giving of assistance to other departments, agencies and institutions of the state and federal government when requested by performing services in conformity with this section;

(h) Acting as the agent of the federal government in matters of mutual concern, and in the administration of any federal funds granted to the state to aid in the performance of any function of this department.

(2) The provisions of this section shall not apply to any institution, home or agency which does not receive aid from the state or a county or municipality.

HB 453, AN ACT relating to the powers of personnel of the Department of Welfare.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

All personnel of the Department of Welfare, while acting for the department in any capacity entailing the maintenance of custody over any prisoners shall have all the authority and powers of peace officers.

HB 454, AN ACT relating to custody of prisoners.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 344 of the Criminal Code of Practice is amended to read as follows:

Upon a mandate of reversal ordering a new trial, or an order granting a writ of habeas corpus being filed in the clerk's office of the Circuit Court in which the executed judgment of confinement in the penitentiary was rendered, the clerk shall deliver to the sheriff and to the warden of the penitentiary a copy of the mandate or order, and a properly certified court order, signed by the circuit judge, directing the removal of the defendant to the county jail. The mandate or order shall be enforced by the sheriff and the warden.

HB 455, AN ACT relating to criminal procedure.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) Any person who has been convicted on an indictment for a

felony and has been apprehended for other crimes for which he may be indicted and tried, all other offenses or other crimes shall be presented to the grand jury within sixty days from the date of apprehension for the crime for which he is presently being held, and if indicted by the grand jury for the commission of other known crimes, the charge set forth in such indictment shall be tried or otherwise disposed of within one hundred twenty days from the date of that indictment. Failure to indict and dispose of criminal offenses when they are known to the Commonwealth's attorney's office, and when the defendant is amenable to the processes of the court, shall bar any subsequent indictment or trial for the offenses charged.

(2) Any person who has been convicted of a felony and who is serving a prison sentence in this state and against whom is pending, in a court of this Commonwealth, any other warrant or indictment may make, in the court in which the charge is pending, a written motion containing a notice of the place of his imprisonment and his desire to be brought to trial on such charge.

(3) The prosecuting attorney of the court in which the charge is pending, shall bring the issue to trial within one hundred twenty days of the filing of the motion, or if the charge is pending in the circuit court, then at the next regular term, unless a continuance is granted, in which case the one hundred twenty day period begins to run from the date to which the continuance is granted.

(4) In the event the charge is not brought to trial within the periods provided in Subsections (2) and (3), such charge shall be dismissed by the court.

HB 456, AN ACT relating to convicts, amending KRS 432.390.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 432.390 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person convicted of a crime who, while serving a sentence of imprisonment in the penitentiary, escapes from the penitentiary or wherever he may be confined or attempts to escape by concealing himself within the confines of the institution or by attempting to scale the enclosure surrounding the institution, or flees from whatever bounds he may be assigned, whether under guard or as a trusty, shall be further confined in the penitentiary for not less than three nor more than six years, to commence after he has served out the sentence for which he was originally confined.

(2) Any convict confined in a locked cell, dormitory, hospital or other lockup in the penitentiary who escapes therefrom to another part of the penitentiary, or aids another convict in doing so, shall be confined in the penitentiary for not less than one nor more than six years, to commence after he has served out the sentence for which he was originally confined.

(3) For any offense mentioned in Subsection (1) or Subsection (2) of this section, the circuit court of the county in which the convict was confined, or of the county from which he was sent out under assignment to work, or for any other reason, shall have jurisdiction.

HB 457, AN ACT relating to prisons.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) Any prisoner who incites or participates in a prison riot, or similar disturbance, or willfully damages or destroys state property, shall, upon conviction, be confined in the penitentiary for not less than one nor more than five years, such confinement to be served consecutively to any other sentence then being served.

(2) Any prisoner who holds any person as a hostage for any reason, shall, upon conviction, be confined for not less than one nor more than five years, such confinement to be served consecutively to any other sentence then being served.

(3) If a person other than the prisoner suffers bodily injury while a prisoner is engaged in the activities described in subsections (1) or (2), the prisoner shall, upon conviction, be confined for not less than two nor more than twenty-one years, to be served consecutively to any other sentence then being served.

HB 196, AN ACT relating to city manager form of government; election and term of commissioners, mayor and police judge.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 89.430 of the Kentucky Revised Statutes is amended to read as follows:

(1) In cities of the second and fourth classes, at the first regular election at which the mayor or police judge of the city is elected after the election at which the city manager form of government was adopted, there shall be elected by the qualified voters of the city four commissioners and a mayor, or police judge, as the case may be.

(2) In cities of the third class, at the first regular election at which the mayor of the city is elected after the election at which the city manager form of government was adopted, there shall be elected by the qualified voters of the city four commissioners and a mayor. The police judge shall be elected at the same time as he would have been elected if the city manager form of government had not been adopted.

(3) In cities of the second, third and fourth classes the commissioners shall serve for terms of two years and the mayor for a term of four years, beginning on the first Monday in January following their election. The police judge shall serve for a term of four years, begin-

ning on the first Monday in January following his election in cities of the second and fourth classes, and on the first Monday in December following his election in cities of the third class. Every second year after the election at which commissioners were elected, and every fourth year after the election at which a mayor or police judge was elected, a primary election and regular election shall be held in the same manner for the same offices.

(4) The city manager form of government shall become effective and go into operation upon the qualification and installation in office of the mayor, or police judge, as the case may be, and the commissioners.

Calendar

HB 466, HB 521, HB 329, HB 550, HB 523, HB 524, HB 470, HB 475, HB 548, HB 334, HB 468, HB 336, HB 526, HB 207, SB 9, HB 313, HB 116, HB 108, HB 428, HB 110, HB 233, HB 335, HB 442, HB 420, HB 141, HB 430, HB 429, HB 535, HB 542, HB 476, HB 106, HB 545, HB 443, HB 425, HB 516, HB 546 were read at length for the second time. Ordered placed in the Orders of the Day.

Recess

Representative Everett moved that the House recess until 7:00 P.M. tonight. Agreed.

The Speaker resumed the Chair at the appointed hour.

Orders of the Day

Representative Everett moved that **SB 49** be taken from Orders of the Day and placed on passage. Agreed. Read at length for the third time.

On roll call, the vote was: Yeas, 72—Anderson, Arnold, Bach, Barton, Billington, Breckinridge, Brown, Buckner, Burke, Burress, Bush, Chaudoin, Clore, Coffey, Combs, E. E. Cook, M. W. Cook, Cottengim, Crecelius, W. F. Davis, Dempsey, Duff, Everett, Farmer, Finney, Fitzpatrick, Ford, Gay, Greene, Gullette, Hahn, Haley, Henry, Hinkle, Hodges, Hopkins, Howard, Isler, Kingsbury, Kubale, Lovelace, Lowman, Lyon, McCallum, McGuire, McReynolds, Mackey, Moore, Newberry, Ockerman, Parrish, Peace, Qualls, Ratcliffe, Ray, Raybourne, Rayburn, Render, C. R. Reynolds, Searcy, Smith, Sowards, Stith, Tanner, S. R. Thomas, Walsh, Wathen, Wells, Whitehead, Williams, Wilson, Wirsch; Nays, 0.

SB 49 was passed and the title agreed to.

Representative Fitzpatrick moved that the vote which tabled reconsideration of the vote on **HB 153** be reconsidered.

On roll call, the vote was: Yeas, 56—Bach, Billington, Brown, Buchanan, Buckner, Bush, Chaudoin, Clore, Coffey, Combs, E. E. Cook, Cottengim, Crecelius, W. F. Davis, Dempsey, Duff, Everett, Farmer, Finney, Fitzpatrick, Gay, Greene, Gullette, Hahn, Haley, Hall, Hart, Henry, Hodges, Hopkins, Isler, Kingsbury, Lovelace, McCallum, McGuire, McReynolds, Mackey, Newberry, Parrish, Qualls, Ratcliffe, Ray, Raybourne, Rayburn, Reed, Render, C. R. Reynolds, R. Reynolds, Smith, Sowards, Stith, S. R. Thomas, Walsh, Wathen, Whitehead, Wirsch; Nays, 8—Arnold, Barton, Breckinridge, Burke, Burress, Lyon, Ockerman, Searcy.

Adopted.

Representative Fitzpatrick moved vote by which bill defeated be reconsidered. Agreed. Representative Fitzpatrick moved **HB 153** be placed on passage. Agreed.

On roll call, the vote was: Yeas, 58—Anderson, Bach, Brown, Buchanan, Buckner, Burke, Burress, Bush, Chaudoin, Clore, Coffey, Combs, E. E. Cook, M. W. Cook, Crecelius, W. F. Davis, Dempsey, Duff, Everett, Farmer, Finney, Fitzpatrick, Gay, Greene, Gullette, Hahn, Haley, Hall, Hart, Henry, Hinkle, Hodges, Isler, Kingsbury, Lovelace, McGuire, McReynolds, Mackey, Parrish, Qualls, Ratcliffe, Ray, Raybourne, Rayburn, Reed, Render, C. R. Reynolds, R. Reynolds, Smith, Sowards, Stith, Ed Thomas, S. R. Thomas, Walsh, Wathen, Williams, Wilson, Wirsch; Nays, 5—Arnold, Billington, Breckinridge, Ockerman, Searcy.

HB 153 was passed and the title agreed to.

Representative Fitzpatrick moved that the vote by which **HB 153** was passed be reconsidered and said motion laid on the table. Agreed.

Recess

Representative Everett moved that the House recess for fifteen minutes for a meeting of the Rules Committee. Agreed. At the appointed hour, the Speaker resumed the Chair.

Orders of the Day

Without objection **HB 177** was placed in Orders of the Day.

Representative Everett moved that **HB 209** be taken from Orders of the Day and placed on passage. Agreed. Read at length for the third time.

Representative Kingsbury moved to amend **HB 209** as follows:

Amend printed copy of **HB 209** on page 1, by striking everything after the enacting clause and substituting in lieu thereof the following:

Section 1. In enacting this legislation it is the intention of the General Assembly to find new uses for Kentucky's tobacco surplus to avoid further cuts in acreage quotas and to solve other problems adversely affecting the economy of the Commonwealth.

Section 2. There shall be established in the Agricultural Experiment Station of the University of Kentucky, a research project to promote greater utilization for Kentucky tobacco with particular emphasis on new uses and new products.

Section 3. All property rights or income resulting from research under this Act shall be credited to the research project herein established and shall be used for continued research into new uses for tobacco.

Section 4. On or about January 1 of each year the director of the Agricultural Experiment Station shall make a progress report to the Governor, the General Assembly, the Board of Trustees of the University of Kentucky and the press of the Commonwealth; except in such instances where revelation of such report may adversely affect a successful culmination of that portion or portions of the research.

Section 5. None of the monies appropriated for the purpose of this Act shall be used for research leading to increased tobacco production nor for research into tobacco disease control, except where such research is considered necessary to develop greater utilization or new products.

Section 6. To carry out the purposes of this Act, the sum of fifty thousand dollars for the 1958-1959 fiscal year and the sum of fifty thousand dollars for the 1959-1960 fiscal year is appropriated to the Agricultural Experiment Station of the University of Kentucky out of the General Fund.

Section 7. Any monies not expended in the first year of the biennium shall be available for this program in the second year of the biennium and shall not revert to the general fund.

On roll call, the vote was: Yeas, 54—Arnold, Bach, Barton, Breckinridge, Buchanan, Buckner, Burke, Burress, M. W. Cook, Crecelius, Dempsey, Duff, Farmer, Fitzpatrick, Ford, Gay, Greene, Haley, Hall, Hart, Hinkle, Hodges, Hopkins, Howard, Kingsbury, Kubale, Lowman, Lyon, McGuire, Mackey, Moore, Ockerman, Parrish, Peace, Qualls, Ratcliffe, Ray, Raybourne, Render, C. R. Reynolds, R. Reynolds, Searcy, Smith, Tanner, Ed Thomas, S. R. Thomas, Walsh, Wathen, Wells, Whitehead, Williams, Wilson, Wirsch, Young; Nays, 1—Cottengim.

Adopted.

On roll call of **HB 209** as amended, the vote was: Yeas, 67—Anderson, Arnold, Bach, Barton, Billington, Breckinridge, Brown, Buchanan, Buckner, Burke, Burress, Chaudoin, Coffey, Combs, E. E. Cook, M. W. Cook, Crecelius, Dempsey, Duff, Everett, Farmer, Finney, Fitzpatrick, Ford, Greene, Gullette, Hahn, Haley, Hart, Henry, Hinkle, Hodges, Hopkins, Howard, Kingsbury, Kubale, Lowman, Lyon, McGuire, McReynolds, Mackey, Moore, Newberry, Ockerman, Parrish, Peace, Qualls, Ratcliffe, Ray, Raybourne, Rayburn, Reed, Render, C. R.

Reynolds, R. Reynolds, Searcy, Smith, Stith, Tanner, S. R. Thomas, Walsh, Wathen, Wells, Whitehead, Williams, Wilson, Young; Nays, 0.

HB 209 was passed and the title agreed to.

Representative Lowman moved that the vote by which **HB 209** was passed be reconsidered and said motion laid on the table. Agreed.

Representative Everett moved that **HB 298** be taken from Orders of the Day and placed on passage. Agreed. Read at length for the third time.

On roll call, the vote was: Yeas, 60—Anderson, Arnold, Bach, Barton, Billington, Breckinridge, Buckner, Burke, Bush, Chaudoin, Coffey, Combs, E. E. Cook, M. W. Cook, Crecelius, W. F. Davis, Dempsey, Duff, Everett, Finney, Ford, Greene, Gullette, Hahn, Haley, Hall, Hart, Henry, Hinkle, Hodges, Hopkins, Howard, Kincer, Lyon, McReynolds, Mackey, Moore, Newberry, Ockerman, Parrish, Qualls, Ratcliffe, Ray, Raybourne, Rayburn, Reed, Render, C. R. Reynolds, R. Reynolds, Searcy, Smith, Stith, S. R. Thomas, Walsh, Wathen, Wells, Whitehead, Williams, Wirsch, Young; Nays, 0.

HB 298 was passed and title agreed to.

Representative Everett moved that **HB 276** be taken from Orders of the Day and placed on passage. Representative Finney moved that action be deferred since the sponsor was absent. Agreed.

Representative Everett moved that **HB 306** be taken from Orders of the Day and placed on passage. Agreed. Read at length for the third time.

On roll call, the vote was: Yeas, 68—Anderson, Arnold, Bach, Barton, Billington, Breckinridge, Brown, Buchanan, Buckner, Burress, Chaudoin, Coffey, E. E. Cook, M. W. Cook, Cottengim, Crecelius, W. F. Davis, Dempsey, Duff, Everett, Farmer, Finney, Fitzpatrick, Ford, Gay, Greene, Gullette, Hahn, Haley, Hall, Hart, Henry, Hinkle, Hopkins, Howard, Isler, Kincer, Kingsbury, Lowman, Lyon, McGuire, McReynolds, Mackey, Moore, Newberry, Ockerman, Parrish, Peace, Qualls, Ratcliffe, Ray, Raybourne, Rayburn, Reed, Render, C. R. Reynolds, R. Reynolds, Searcy, Smith, Sowards, Stith, Tanner, S. R. Thomas, Walsh, Wathen, Wells, Williams, Young; Nays, 0.

HB 306 was passed and title agreed to.

Representative Lowman moved that the vote by which **HB 306** was passed be reconsidered and said motion laid on table. Agreed.

Representative Everett moved that **HB 308** be taken from Orders of the Day and placed on passage. Agreed. Read at length for the third time.

On roll call, the vote was: Yeas, 67—Anderson, Arnold, Bach, Barton, Billington, Breckinridge, Brown, Buchanan, Buckner, Burke, Burress, Chaudoin, Coffey, Combs, E. E. Cook, M. W. Cook, Cottengim, Crecelius, W. F. Davis, Dempsey, Duff, Everett, Farmer, Finney, Fitzpatrick, Ford, Gay, Gullette, Hahn, Haley, Hall, Hart, Henry, Hinkle, Hodges, Hopkins, Isler, Kincer, Lowman, Lyon, McGuire, McReynolds, Mackey, Moore, Newberry, Ockerman, Parrish, Peace, Ratcliffe, Ray, Raybourne, Rayburn, Render, C. R. Reynolds, R. Reynolds, Searcy, Smith, Sowards, Stith, Tanner, S. R. Thomas, Walsh, Wathen, Wells, Williams, Wirsch, Young; Nays, 0.

HB 308 was passed and title agreed to.

Representative Rayburn moved that the rules be suspended for introductions. Agreed.

Introductions

The following Bills and Resolutions were introduced:

HB 588, by Representatives Buchanan, Duff, H. Nick Johnson, Buckner, Greene, R. Reynolds, Reed, AN ACT relating to report of traffic deaths.

HB 589, by Representatives Buchanan, Duff, H. Nick Johnson, Buckner, Greene, R. Reynolds, Reed, AN ACT relating to operator's licenses.

HB 590, by Representatives H. Nick Johnson, Stith, Wathen, Bach, Fields, Kubale, Chaudoin, Fitzpatrick, Sowards, Young, Kincer, S. R. Thomas, R. Reynolds, Henry, Hart, Buchanan, Huddleston, Hopkins, Mackey, Hinkle, Parrish, Gullette, C. R. Reynolds, Bush, Combs, Hahn, P. W. Cornett, Peace, Coffey, Hall, McGuire, Walsh, Hislope, Wirsch, Hodges, Bartley, Brown, Dempsey, Whitehead, Duff, Qualls, Anderson, Ray, Wilson, Tinsley, Richards, Lyon, Newberry, Burress, Willen, Rayburn, Buckner, Moore, Barton, Crecelius, AN ACT authorizing suits against the Commonwealth, its agencies, political subdivisions and municipal corporations, and other corporations and individuals, and authorizing the purchase of liability insurance.

HB 591, by Representatives Gay, Hall, Isler, AN ACT relating to school bus operation.

HB 592, by Representative Fitzpatrick, AN ACT relating to the city manager form of government.

HB 593, by Representative Everett, AN ACT relating to bonds of contractors for public buildings or works.

HB 594, by Representatives Billington, Howard, AN ACT relating to possession of alcoholic beverages in dry territory.

HB 595, by Representative Sowards, AN ACT relating to school buses.

HB 596, by Representative Isler, AN ACT relating to enforcement of judgments against parents and guardians.

HB 597, by Representative Isler, AN ACT relating to income tax, authorizing deductions for salary of military personnel.

HB 598, by Representative Everett, AN ACT relating to workmen's compensation.

HB 599, by Representatives Greene, Duff, Kincer, Qualls, C. R. Reynolds, Bush, Hall, AN ACT relating to retirement of state employes and officials.

HR 102, by Representative Kingsbury, A RESOLUTION requesting and directing the Commissioner of Department of Economic Development to give official figures on the progress of the state's development program and to outline what plans, if any, have been made to alleviate the growing unemployment problem in the Commonwealth.

HR 103, by Representative Breckinridge, A CONCURRENT RESOLUTION calling for the conduct of a study concerning medical service plans.

HR 104, by Representative Rayburn, A JOINT RESOLUTION authorizing the personal representative of Jane Gormley Roe, deceased, of Vanceburg, Kentucky, to sue the Commonwealth of Kentucky and the Department of Highways, or either.

Representative Everett moved that the House adjourn until 10:00 a.m., March 7. Motion rejected.

Orders of the Day

Representative Everett moved that **HB 311** be taken from Orders of the Day and placed on passage. Agreed. Read at length for the third time.

On roll call, the vote was: Yeas, 65—Arnold, Bach, Bartley, Barton, Billington, Breckinridge, Brown, Buchanan, Buckner, Burke, Burress, Bush, Chaudoin, Coffey, Combs, E. E. Cook, M. W. Cook, Crecelius, W. F. Davis, Everett, Farmer, Finney, Fitzpatrick, Ford, Gay, Greene, Gullette, Hahn, Haley, Hall, Hart, Henry, Hinkle, Hodges, Hopkins, Howard, Isler, Kincer, Kingsbury, Lowman, Lyon, McGuire, McReynolds, Mackey, Newberry, Ockerman, Parrish, Peace, Ratcliffe, Ray, Raybourne, Rayburn, Reed, Render, C. R. Reynolds, Searcy, Smith, Stith, S. R. Thomas, Walsh, Wathen, Wells, Wilson, Wirsch, Young; Nays, 0.

HB 311 was passed and title agreed to.

Representative Everett moved that **HB 312** be taken from Orders of the Day and placed on passage. Agreed. Read at length for the third time.

On roll call, the vote was: Yeas, 60—Arnold, Bach, Bartley, Barton, Billington, Breckinridge, Brown, Buchanan, Buckner, Burke, Bush, Chaudoin, Coffey, Combs, M. W. Cook, Crecelius, W. F. Davis, Dempsey, Duff, Everett, Farmer, Finney, Fitzpatrick, Gay, Greene, Gullette, Hahn, Haley, Hall, Hart, Hinkle, Hopkins, Howard, Isler, Kincer, Kingsbury, McGuire, McReynolds, Moore, Newberry, Ockerman, Parrish, Peace, Qualls, Ratcliffe, Ray, Raybourne, Rayburn, Reed, Render, C. R. Reynolds, Searcy, Smith, Tanner, S. R. Thomas, Walsh, Wathen, Wells, Williams, Wirsch; Nays, 0.

HB 312 was passed and title agreed to.

Representative Everett moved that **HB 338** be taken from Orders of the Day and placed on passage. Agreed. Read at length for the third time.

Representative Hinkle moved to amend **HB 338,** as follows:

Amend printed copy of **HB 338** on page 2, section 1, line 24 by inserting immediately after the word, "officers" and before the word, "and" the words, "sheriffs, constables."

Adopted.

Representative Hinkle moved to amend **HB 338** as follows:

Amend printed copy of **HB 338** on page 2, section 1, lines 26 and 27 following the word "property" in line 26, delete the words "or who has been hunting or fishing on any property."

Adopted.

Roll call on **HB 338** as amended was: Yeas 57—Arnold, Bach, Bartley, Barton, Billington, Breckinridge, Brown, Buchanan, Buckner, Burke, Bush, Chaudoin, Coffey, Combs, M. W. Cook, Crecelius, W. F. Davis, Dempsey, Duff, Farmer, Finney, Ford, Gay, Gullette, Hahn, Haley, Hall, Hart, Henry, Hinkle, Hopkins, Howard, Isler, Kincer, Kingsbury, Lowman, Lyon, McGuire, McReynolds, Mackey, Ockerman, Parrish, Peace, Qualls, Raybourne, Rayburn, Render, C. R. Reynolds, Searcy, Smith, Stith, Tanner, S. R. Thomas, Walsh, Wathen, Wirsch, Young; Nays, 0.

HB 338 was passed and title agreed to.

The Speaker vacated the Chair and asked Representative Howard to preside.

Representative Everett moved that **HB 369** be taken from Orders of the Day and placed on passage. Agreed. Read at length for the third time.

On roll call, the vote was: Yeas, 58—Arnold, Bach, Bartley, Barton, Billington, Breckinridge, Buchanan, Buckner, Burke, Burress, Bush, Chaudoin, Combs, M. W. Cook, Crecelius, W. F. Davis, Dempsey, Duff, Everett, Farmer, Finney, Fitzpatrick, Ford, Gay, Gullette, Hahn, Haley, Hart, Hinkle, Hodges, Hopkins, Howard, Isler, Kincer, Kingsbury, Lyon, McReynolds, Mackey, Moore, Newberry, Ockerman, Parrish, Peace, Qualls, Ray, Raybourne, Render, Richards, Searcy, Smith, Stith, Tanner, S. R. Thomas, Walsh, Wathen, Wells, Wirsch, Young; Nays, 0.

HB 369 was passed and title agreed to.

Representative Isler moved that **HB 417** be deferred and retain its position in Orders of the Day. Agreed.

Representative Everett moved that **HB 426** be taken from Orders of the Day and placed on passage. Agreed. Read at length for the third time.

On roll call, the vote was: Yeas, 58—Arnold, Bach, Bartley, Barton, Billington, Breckinridge, Brown, Buchanan, Burke, Burress, Bush, Chaudoin, Coffey, Combs, M. W. Cook, Crecelius, W. F. Davis, Dempsey, Duff, Everett, Farmer, Finney, Fitzpatrick, Gay, Gullette, Hahn, Haley, Hall, Hart, Hinkle, Hodges, Hopkins, Howard, Isler, Kincer, Kingsbury, Lyon, McReynolds, Mackey, Newberry, Ockerman, Parrish, Peace, Qualls, Ray, Raybourne, Rayburn, Render, Richards, Searcy, Smith, Stith, S. R. Thomas, Walsh, Wathen, Wells, Williams, Young; Nays, 0.

HB 426 was passed and title agreed to.

Representative Everett moved that **HB 427** be taken from Orders of the Day and placed on passage. Agreed. Read at length for the third time.

On roll call, the vote was: Yeas, 59—Arnold, Bach, Bartley, Barton, Billington, Breckinridge, Brown, Buckner, Burke, Burress, Bush, Chaudoin, Coffey, Combs, Crecelius, W. F. Davis, Dempsey, Duff, Everett, Farmer, Finney, Ford, Gay, Gullette, Hahn, Haley, Hall, Hart, Henry, Hinkle, Hodges, Hopkins, Howard, Isler, Kincer, Kingsbury, Lyon, Mackey, Moore, Newberry, Ockerman, Parrish, Peace, Qualls, Ray, Raybourne, Rayburn, Reed, Render, C. R. Reynolds, Searcy, Smith, Stith, Tanner, S. R. Thomas, Walsh, Wells, Williams, Wirsch; Nays, 0.

HB 427 was passed and the title agreed to.

Speaker resumed the Chair.

Representative Everett moved that **HB 480** be taken from Orders of the Day and placed on passage. Agreed. Read at length for the third time.

On roll call, the vote was: Yeas, 60—Arnold, Bach, Bartley, Barton, Billington, Breckinridge, Buchanan, Buckner, Burke, Burress, Bush, Chaudoin, Coffey, Combs, Crecelius, Duff, Everett, Farmer, Finney, Fitzpatrick, Ford, Gay, Greene, Gullette, Haley, Hall, Hart, Henry, Hinkle, Hodges, Hopkins, Howard, Isler, Kincer, Kingsbury, Lowman, Lyon, McReynolds, Mackey, Moore, Newberry, Ockerman, Parrish, Peace, Qualls, Raybourne, Rayburn, Reed, Render, C. R. Reynolds, Searcy, Smith, Stith, S. R. Thomas, Walsh, Wathen, Wells, Whitehead, Wirsch, Young; Nays, 0.

HB 480 was passed and title agreed to.

Representative Everett moved that the House adjourn until 10:00 a.m., March 7, 1958. Agreed.

FRIDAY, MARCH 7, 1958

FORTY-EIGHTH LEGISLATIVE DAY

The House was called to order by the Speaker, Mr. Weintraub.

Invocation by the Reverend Robert J. Laughlin, of the First Presbyterian Church, of Frankfort.

The roll call showed all members present except Baumgardner, Cottengim, Duff, Hale, Hislope, Huddleston, Huston Johnson, Miller, Russell Reynolds, Reverend Tinsley, Whitehead, Willen, Young.

Representative Chaudoin moved that absent members be granted leaves of absence. Agreed.

Reading of the Journal for March 6 dispensed with and the same approved on motion of Representative Isler.

Senate Message

Senate Message announcing passage of **SB 128, SB 243, SB 255, SR 9.**

Report of Committees

The Rules Committee reported **HB 398, HB 517, HB 532, HB 595, HB 446, HB 258, HB 402, HB 485, HB 493, HB 552, HB 285, HB 584, HB 222, HB 561, HB 264, HB 512, HB 433, HB 295, HB 583, HB 567** with Committee Amendment, **HB 459** with Committee Amendment, **HB 266, HB 392, HB 316, HB 219, HB 534, HB 395, HB 473, HB 562, HB 564, HB 574, HB 587, HB 586, HB 292, HB 432, HB 510, HB 355, HB 424, HR 104, HB 522, HB 463** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 398, AN ACT relating to domestic insurance companies.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

All domestic insurance companies transacting business in Kentucky shall fix the compensation of officers of such companies in accordance with the following requirements:

(1) The governing authority of a company having a capital of three million dollars or more may fix salaries discretionarily.

(2) No company having a capital of less than three million dollars shall pay an annual salary of more than twenty thousand dollars to any president, nor more than twelve thousand five hundred dollars per annum to any vice president, auditor, secretary, treasurer or other officer.

(3) No expense account of any officer or employe shall exceed the sum of one thousand dollars annually when on company business. Each expense account shall be itemized and filed not later than De-

cember 31 of each year with the Commissioner of Insurance. The expense account shall be sworn to by the officer or employe incurring same.

HB 517, AN ACT relating to watchmaking.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act, unless the context requires otherwise:

(1) The term "watchmaking" includes and means the repairing, replacing, rebuilding, reconditioning, cleaning, adjusting and regulating of the mechanical parts of watches and the manufacturing and fitting of parts designed for use or used in watches. Such term shall not include or mean the manufacturing or repairing of watchcases, but shall include the repairing of all winding mechanisms whether they are parts of such cases or not.

(2) The term "board" as used in such sections shall mean the "Kentucky Board of Examiners in Watchmaking."

Section 2. No person shall engage in watchmaking for profit or compensation of any kind, without first obtaining a certificate of registration, as hereinafter provided, which certificate shall at all times be conspicuously displayed in his place of business.

Section 3. (1) There is created a "Kentucky Board of Examiners in Watchmaking" whose duties it shall be to carry out the provisions of this Act and to promote the education and training of watchmakers. The board shall consist of five members, appointed by the Governor. All persons so appointed shall have been residents of this state and actually engaged in watchmaking for the last five years immediately preceding the time of their appointment. Members of the board shall be appointed for terms of four years and until their successors shall be appointed and qualified. The holders of such terms shall serve at the pleasure of the Governor.

(2) The board shall choose annually one of its members as president and one as secretary. The board shall meet at least once every six months at the state capitol, and in addition thereto, whenever and wherever the officers shall call a meeting. A majority of the members of the board shall constitute a quorum. The board may retain legal counsel if deemed necessary. The secretary shall keep a full record of its proceedings, which shall be open to inspection at all reasonable times. The members and officers of the board shall be compensated as follows: Each member of the board shall be paid a per diem of $15.00 for attendance at meetings not to exceed thirty days and shall be reimbursed for necessary expenses incurred in the performance of his duties. The secretary may be paid an annual salary to be determined by the board.

(3) The board may appoint such clerks and assistants as it may deem necessary to the execution of its functions and fix their salaries.

(4) The board shall, on the first day of January of each year, report its proceedings to the Governor, including an account of moneys received and disbursed. The president and secretary shall file annually with the Governor a verified list of watchmakers qualified to serve as members of the board.

Section 4. Applicants for certificates shall be examined at a time and place fixed by the board. Applications for examinations shall be filed with the board at least 10 days before the date set for the examination and shall be accompanied by an examination fee of $20.00. The applicant shall be of good moral character, at least eighteen years of age, and shall have completed an apprenticeship of not less than one year or certificate of graduation from an accredited school.

Section 5. An applicant, to be entitled to a certificate, shall pass an examination before the board, which examination shall be confined to such knowledge, practical ability and skill as is essential in the proper repairing of watches, and shall include an examination of theoretical knowledge of watch construction and repair, and also a practical demonstration of the applicant's skill in the manipulation of watchmaker's tools. The board shall make rules and regulations for conducting examinations and shall define the standards of workmanship and skill. In case of failure at any examination, the applicant shall have the privilege of taking another examination at any other examination period upon the payment of a fee of $10.00.

Section 6. (1) If the applicant successfully passes the examination, the secretary of the board shall register such fact and shall issue to him a certificate of registration.

(2) A watchmaker in good standing, registered and licensed in another state and having engaged in watchmaking therein for two years immediately preceding his application for a certificate, upon filing with the board satisfactory proof thereof, may, in the discretion of the board, be issued a certificate without examination upon the payment of a fee of $25.00, provided the standards in such other state are at least as high as those defined and established by the board.

(3) Persons actually engaged in watchmaking within this state prior to effective date of this Act shall be exempt from taking the examination herein provided application is made for certificate within six months accompanied by an application fee of $15.00 and his affidavit setting forth the fact of having so actually engaged in watchmaking, which affidavit shall be attested to by two freeholders in this state, and if the board shall be satisfied that such applicant is entitled thereto it shall cause its secretary to so register and issue a certificate of registration.

(4) Certificates of registration shall expire on December 31 of each year and may be renewed for one year upon the payment of a fee of $15.00. Applications may be made for renewal after December 15 of each year.

Section 7. Any person sixteen years of age or over, of good moral character, indentured to a registered watchmaker may engage in watchmaking subject to the provisions of this Act upon obtaining from the board a certificate of registration as an apprentice watchmaker, which certificate shall be conspicuously displayed at all times at the place of employment of such apprentice. Apprentice watchmakers shall pay a fee of one dollar for the certificate and shall pay a renewal fee of one dollar annually.

Section 8. (1) The board may revoke a certificate of registration upon the failure of the holder thereof to pay the annual renewal fee, upon giving said holder 30 days' notice in writing of such proposed revocation. Notice shall be sufficient when sent by registered mail to the last known address of the holder.

(2) The board may revoke a certificate of registration obtained through error of the board or fraud on the part of the applicant, or if the holder is grossly incompetent, guilty of immoral or unethical conduct, or obtained or sought to obtain anything of value by fraudulent representations in the practice of watchmaking. The holder of such certificate shall be given 30 days' notice in writing enumerating the charges and specifying a date for the hearing on such charges. At the hearing he shall have the opportunity to confront witnesses against him and to produce evidence bearing on such charges. A stenographic record of all proceedings shall be made and transcript kept on file with the board. Any aggrieved holder may appeal to the Franklin Circuit Court on the board's ruling within fifteen days from entry of the order of revocation.

(3) One whose certificate has been revoked, may, upon the expiration of one year after such revocation, apply to the board for registration and upon satisfactory proof that the cause of revocation no longer exists, the board may, in its discretion, issue to said person a certificate of registration upon payment of the fees herein provided.

(4) "Unethical conduct" as used in this Act shall include and mean any conduct of a character likely to mislead, deceive or defraud the public; advertising of any character in which untruthful or misleading statements are made; advertising of prices on watch repairing or the giving of watch glasses, crystals or of any other watch parts, gratis or at less than cost, in order to advertise or increase watch repair business; performance of any service in pursuance of any such advertising; loaning of a certificate of registration to any person; failure to display the certificate of registration conspicuously at all times; representation that a watch has been cleaned although its

major parts, train wheels and mainspring have not been disassembled and the capped jewels removed and all parts properly cleaned; performance of any work upon a watch in an unworkmanlike or unskilled manner; representation that certain services or parts are necessary or have been or will be used in the repair of a watch, although such services or parts are not necessary and have not been used in such repairs; employing directly or indirectly, any unregistered watchmaker to perform any watchmaking; or noncompliance, within thirty days, with the directions given in a written notice from any provision of this Act.

Section 9. Anyone not having a certificate of registration, who shall hold himself out as a watchmaker or as qualified to do watchmaking, or anyone who shall violate any of the provisions of this Act shall be fined not less than twenty dollars nor more than one hundred dollars or imprisoned in the county jail not less than one month nor more than three months, or by both.

Section 10. As used in this section:

(1) "Person" means a person, firm, partnership, association or corporation, but shall not include a referee in bankruptcy, the executor or administrator of an estate, or any other officer of a court.

(2) "Consumer" means an individual, firm, partnership, association or corporation who buys for their own use, or for the use of another but not for resale.

(3) "Secondhand" watch means:

(a) A watch, which as a whole, the case thereof, or the movement thereof have previously been sold to a consumer.

(b) Any watch whose case or movement, serial numbers or other distinguishing numbers of identification marks have been erased, defaced, removed, altered or covered.

Section 11. Any person, or agent or employe thereof, who sells a secondhand watch shall affix and keep affixed to the same a tag with the words "secondhand" legibly written or printed thereon in the English language. For the purposes of this section, "sell" includes an offer to sell or exchange, expose for sale or exchange, possess with intent to sell or exchange, and sell or exchange.

(2) Any person, or agent or employe thereof, who sells a secondhand watch shall deliver to the vendee a written invoice setting forth the name and address of the vendor, the name and address of the vendee, the date of the sale, the name of the watch or its maker, and the serial numbers (if any) or other distinguishing numbers or identification marks on its case and movement. In the event the serial numbers or other distinguishing numbers or identification marks have been erased, defaced, removed, altered or covered, such facts shall be stated in the invoice. A duplicate of such invoice shall be kept on file by the vendor of such secondhand watch for at least one year

from the date of the sale thereof and shall be open to inspection during all business hours by the commonwealth attorney, or his representative, of the county in which the vendor is engaged in business, or by the chief of police, or his representative, of the city in which such person is engaged in business. If the vendor does not maintain an established place of business within this state, he shall within two days after every such sale, file such duplicate copies in the office of the county clerk of the county in which such sale was made.

(3) Any person advertising in any manner secondhand watches for sale shall state clearly in such advertising that the watches so advertised are secondhand watches.

Section 12. Any person who violates any provision of Section 11 shall be fined not less than $20.00 nor more than $500.00, or imprisoned in the county jail not more than 100 days, or both.

HB 532, AN ACT relating to county and community fairs, amending Section 247.220 and repealing Section 247.230 of the Kentucky Revised Statutes and making an appropriation.

WHEREAS, it is a well recognized fact that the county and community fair is one of the most colorful, honored and revered institutions in the American way of life, and

WHEREAS, it is a well-proven fact that the county and community fair is one of the most important and successful mediums for promoting improvement in livestock and farm products generally, for bringing about continued improvement in the rural way of life, and in fostering closer association of urban and rural folk with a consequential better understanding between them, and

WHEREAS, in recognition of the vital role the county and community fair portrays in community life, it is the established policy of many of the states to grant substantial financial aid to county and community fairs in order to guarantee and foster their continued existence; and

WHEREAS, in Kentucky the county and community fair is rapidly losing its vitality and faces possible extinction in the near future;

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 247.220 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Commissioner of Agriculture, on the recommendation of the Kentucky Association of Fairs and Horse Shows, Inc., shall make grants of state funds to qualified county and community fairs to be used by them to pay premium awards for exhibits and displays of

domestic livestock, household products, farm crops and other related exhibits and displays. The grant of state funds made to any fair shall be in an amount equal to the sum the fair itself contributes toward premium awards for those exhibits and displays heretofore set out, but in no event shall the grant to any fair for any one calendar year exceed two thousand, five hundred dollars. The premiums actually awarded shall conform to those appearing on the premiums list issued by the county fair.

(2) In order to qualify for a grant of state funds a county or community fair shall obtain the approval of and recommendation by the Kentucky Association of Fairs and Horse Shows, Inc., which approval and recommendation may be given only if the fair:

a. Provides in its by-laws for the holding of an annual fair running for at least three days.

b. Presents, through the medium of youth organizations such as 4-H Clubs, Future Farmers of America and other similar organizations, and educational program concerning the production and marketing of livestock and other farm products, home economics and other related subjects, and

c. Complies with all other rules and regulations which the association is hereby authorized to promulgate.

(3) Any county or community fair receiving a grant of state funds shall file with the Kentucky Association of Fairs and Horse Shows, Inc., by December 1 of the year in which the grant is received, satisfactory proof that all premium awards, as advertised, have been paid and a financial report prepared by a certified public accountant.

Section 2. There is hereby appropriated out of the General Expenditure Fund in the State Treasury for the fiscal years of 1958-59 and 1959-60 a sum, not exceeding $75,000 for each fiscal year, sufficient to carry out the provisions of KRS 247.220.

Section 3. Section 247.230 of the Kentucky Revised Statutes is repealed.

HB 595, AN ACT relating to school buses.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 186.600 of the Kentucky Revised Statutes is amended to read as follows:

No person under the age of eighteen shall drive a motor vehicle while it is in use as a school bus for the transportation of pupils to or from school, or drive a motor vehicle while it is in use as a public passenger-carrying vehicle. No school bus driver shall take on any passenger above the seating capacity of his bus. Any driver violating this Act shall be discharged, and if a contract carrier, his contract shall be revoked.

HB 446, AN ACT relating to agricultural marketing.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 260.020 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Division of Markets in the Department of Agriculture, Labor and Statistics shall be under the supervision of the commissioner, and shall consist of personnel determined and appointed by the commissioner.

(2) The Division of Markets shall be headed by a director appointed by the commissioner, subject to the approval of the Governor.

Section 2. Section 260.030 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Division of Markets shall:

(a) Stress promotional efforts and make available to farmers practical assistance in setting up farm cooperatives;

(b) Gather and disseminate information concerning supply, demand, prevailing prices and commercial movement, including common and cold storage of food products, and maintain market news service for the purpose of disseminating such information;

(c) Foster and encourage the inspection, grading, standardizing, labeling and branding of farm products; provide standards of excellence and brands for the use of producers and consumers in the marketing of Kentucky-grown products; and promote the standardization of packages and containers for such purposes;

(d) Make regulations for the grading, packing, hauling, storing and sale of farm products when the regulations are authorized by statutes, and enforce these regulations;

(e) Act as a mediator or arbitrator in any issue that may arise between producers and distributors of agricultural products;

(f) Encourage the establishment of public markets and direct dealing between producer and consumer;

(g) Encourage the consumption of Kentucky-grown products within and without the state;

(h) Act on behalf of the consumers in conserving and protecting their interests in every practicable way against excessive prices;

(i) Investigate the cost of production and marketing in all its phases;

(j) Investigate the methods, transactions and practices of commission merchants and others who receive, solicit, buy, handle on commission or otherwise, farm products;

(k) Negotiate and enter into cooperative agreements with the United States Department of Agriculture or any other appropriate Federal agency for carrying this section into effect.

(2) The commissioner shall adopt and may amend from time to

time schedules of fees to be charged for inspecting farm produce at collecting and receiving centers or such other service as may be rendered under this Act.

(3) The functions of the division shall be supplementary to, and not in duplication of, the educational activities of the College of Agriculture of the University of Kentucky.

(4) In accomplishing its purposes the division shall not compete with business operated by private capital.

HB 258, AN ACT relating to county judges and magistrates.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

No person shall be eligible for the offices of county judge or magistrate of any district who has not completed the eighth grade in school.

HB 402, AN ACT relating to alcoholic beverage transactions in dry territory.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 242.250 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person, while representing either the buyer or seller, shall distribute, solicit or receive contracts, proposals or orders for the purchase or sale of any alcoholic beverages, or distribute any handbills or posters advertising them in dry territory.

(2) Each act of distributing, soliciting or receiving contracts, proposals or orders as denounced in subsection (1), and each day in which advertising matter is distributed, shall constitute a separate offense.

(3) This chapter shall not prevent any manufacturer of alcoholic beverages, or his authorized agent from making contracts of barrel, case or package lots in any dry territory, if his distilleries, breweries, wineries or warehouses are located in that territory and his products are to be shipped into territory, either within or without the state, where alcoholic beverages may lawfully be sold.

Section 2. Section 242.260 of the Kentucky Revised Statutes is amended to read as follows:

It shall be unlawful for any person or public or private carrier to bring into, transfer to another, deliver or distribute in any local option territory any alcoholic beverage, regardless of the name by which it may be called. Each package of such beverage so brought, transferred or delivered in such territory shall constitute a separate offense. Provided, however, that nothing herein shall be construed to prevent any distiller or manufacturer or any authorized agent of a distiller or manufacturer from transporting or causing to be transported by a licensed carrier any alcoholic beverage to their distilleries, breweries, wineries or warehouses where the sale of such beverage may be lawful, either in or out of the state.

Section 3. Section 242.280 of the Kentucky Revised Statutes is amended to read as follows:

It shall be unlawful for any person of dry territory to receive or accept any alcoholic beverage from a common carrier or from any person who has transported the beverage in or into such territory for compensation, hire or profit of any kind whatsoever either directly or indirectly. Each and every package of said alcoholic beverage so received or accepted shall constitute a separate offense. Provided, however, that nothing herein shall be construed to prevent any distiller or manufacturer of alcoholic beverages or any authorized agent of a distiller or manufacturer from receiving or accepting any alcoholic beverages which are to be sold in a territory where the sale of such beverages may be lawful either in or out of the state.

HB 485, AN ACT relating to the uniform narcotic drug act.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (1) of Section 218.210 of the Kentucky Revised Statutes is amended to read as follows:

Any person who sells, supplies, prescribes, administers, dispenses or furnishes, or causes to be sold, supplied, prescribed, administered, dispensed, or furnished, any narcotic drug to any person in violation of this chapter shall be fined not more than five thousand dollars and confined in the penitentiary for not less than twenty years, and may be so confined for a longer period or for life.

HB 493, AN ACT relating to administration of estates.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 391.030 of the Kentucky Revised Statutes is amended to read as follows:

(1) Where any person dies intestate as to his personal estate, or any part thereof, the surplus, after payment of funeral expenses, charges of administration and debts, shall pass and be distributed among the same persons, and in the same proportions, to whom and in which real estate is directed to descend, except as follows:

(a) The personal estate of an infant shall be distributed as if he had died after full age.

(b) An alien may be a distributee as though he were a citizen.

(c) Personal property or money on hand or in bank to the amount of $1500 shall be exempt from distribution and sale and shall be set apart by the appraisers of the estate of an intestate to his widow and infant children, or, if there is no widow, to his infant children surviving him. The widow of any deceased person may, at any time before the appraisers and the administrator of his estate are appointed, procure on petition from the judge of the county court having jurisdiction over administration of his estate, an order authorizing her to withdraw from any bank or other depository or depositories not exceeding $500 belonging to the estate of the deceased. Upon presentation of said order, any such bank or depository shall permit her to withdraw said sum and shall lodge said order, endorsing thereon the amount withdrawn, with the clerk of said county court, and he shall deliver it to the appraisers when they are appointed, who shall treat the same as a charge against the property of the estate exempt from distribution. A like amount of $1500 of property or cash shall be exempt from distribution and sale and shall be set apart by the appraisers to the surviving infant children of a widow who dies intestate.

(2) The appraisers shall state in their appraisement the money or the articles and value of each, set apart by them to the widow or infants, separately from the articles appraised for sale. If the widow or anyone authorized by her in writing is present at the time of the appraisement, she may make her selection out of the property appraised to the amount of $1500 and the appraisers shall so report.

(3) This section applies to cases where the husband dies testate and the widow renounces the provisions of the will as provided by KRS 392.080.

HB 552, AN ACT relating to barbers and beauticians.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 317.050 of the Kentucky Revised Statutes is amended to read as follows:

A person is qualified to receive a license to practice barbering or beauty culture, if he:

(1) Is at least 18 years of age;

(2) Is of good moral character and temperate habits;

(3) Has satisfactorily passed an examination conducted by the board to determine his fitness to practice barbering or beauty culture. An applicant for a license to practice as a licensed barber or beauty specialist who fails to pass satisfactorily an examination conducted by the board shall continue to practice as an apprentice for an additional four months before he may retake the examination.

HB 285, AN ACT relating to guardians.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 387.160 of the Kentucky Revised Statutes is amended to read as follows:

(1) No lease permitted by KRS 387.150 shall be valid or effective until the judge of the circuit court for the county in which the land to be leased or the greater portion thereof lies appoints a guardian ad litem to represent the minor. The guardian ad litem shall file an answer and the affidavits of at least three witnesses proving the advantages or disadvantages to the ward, and shall make such recommendation of the lease to the judge as he believes to be most beneficial to the ward. He shall receive for his services a reasonable compensation, allowed by the judge and taxed as costs and paid by the lessee.

(2) The judge shall, before approving the lease, require the guardian of the minor to file, with the clerk of his court, a petition setting forth a statement of facts constituting the grounds on which he relies to secure the approval of the lease. The judge shall proceed in a summary manner, and require to be submitted with the petition and lease the affidavits of not less than three disinterested owners of real estate in the county where the land or the greater portion thereof lies, as to whether the lease will be advantageous or beneficial to the ward, which affidavits shall be filed and preserved as records of the circuit court.

(3) The judge shall, either in term time or in vacation, approve the lease and endorse his approval thereon, which endorsement shall be recorded with the lease. The order of the judge approving the lease, whether made in term time or in vacation, shall be entered on the civil order book of the circuit clerk's office of the county in which the land to be leased or the greater portion thereof lies.

(4) When the lease is made, the guardian shall execute a bond to the ward, with good surety approved by the judge, conditioned for the faithful application of the proceeds coming into his hands by virtue of the lease. The judge may at any time thereafter require from the guardian a new bond, with other or additional security, if he deems it necessary.

HB 584, AN ACT relating to coal mining.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. (1) The provisions of Chapter 350 of the Kentucky Revised Statutes shall not be applicable to the production of commercial coal from a natural coal deposit by auger mining.

(2) Auger mining for the purposes of this Act means the production of commercial coal from a natural coal deposit by boring horizontally into the deposit and causing removal of the coal by action of the bit or boring apparatus including the removal of such material as may be necessary to furnish a passageway, working space and to expose the coal deposit.

HB 222, AN ACT relating to trucking regulation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 189.222 of the Kentucky Revised Statutes is amended to read as follows:

The Commissioner of Highway may increase the height, length, and gross weight maximums for highways that are a part of the state-maintained system, whenever the strength, safety and durability of the highways justify such an increase, and the highways do not appear susceptible to unreasonable and unusual damage by reason of such increases. The commissioner is authorized to establish reasonable classifications of roads and to fix a different maximum for each classification. In no event shall any motor truck or tractor semitrailer combination, including any part of the body or load, exceed the following dimensions and weights:

(1) Height, twelve and one-half feet;

(2) Length, truck tractors and semitrailers, forty-eight feet; motor trucks, thirty-five feet;

(3) Weight, twenty thousand pounds per single axle, with axles less than forty-two inches apart to be considered as a single axle; thirty-two thousand pounds on two axles in tandem arrangement that are spaced forty-two inches or more apart and less than 120 inches apart; six hundred pounds per inch of aggregate width of all tires; gross weight, 59,640 pounds;

(4) A tolerance of not more than five percent per axle load shall be permitted before a carrier is deemed to have violated subsection (3). In no event shall the gross weight exceed 59,640 pounds.

HB 561, AN ACT relating to sewers.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Proceedings under this Act are purely discretionary. This Act is not intended to be in derogation of any other law, and does not repeal or amend any other law.

Section 2. The public health, safety and welfare require that new and alternative measures be authorized to encourage, promote, and make more feasible the provision of facilities for the collection, treatment, and disposal of sewage by cities, by sewer service charges established with due consideration for cost of necessary new or additional facilities, benefits received and to be received, and approximate ultimate equality of financial burden.

Section 3. As used in this Act, unless the context otherwise requires:

(a) "City" means an incorporated municipality of any class, except those communities served by a Metropolitan Sewer District, under the provisions of KRS Chapter 76;

(b) "Governing body" means the municipal legislative body of a city;

(c) "Board of Health" means the State Board of Health;

(d) "Commission" means the State Water Pollution Control Commission;

(e) "Sewer" means any structure or installation for the drainage of liquid wastes, but only insofar as they relate to sanitation and the control of water pollution, as distinguished from the drainage of storm or surface waters; however, where both functions are carried out by the same system, it is to be construed as a sewer;

(f) "Natural drainage area" means any geographical area within which liquids flow by gravity to a common point, which is necessary, reasonable, or practicable from the standpoint of sewage treatment and disposal, as approved by the Board of Health and the Commission.

Section 4. The governing body of any city may classify sewer users upon any reasonable basis and may establish different service rates for each class, provided such rates are uniform as to all sewer users in the same class. Such classifications may be of limited or indefinite duration.

Section 5. In determining and defining special classes, the governing body of a city shall have as its objectives the interests of public health, safety, and general welfare of the entire community, and reasonable ultimate equality of financial burden to users similarly situated.

Section 6. A city may establish a basic sewer service charge or basic schedule of graduated charges, applying to all sewer users alike, and may, in its discretion, establish and apply to one or more special classes of users additional service charges.

Section 7. In prescribing schedules of charges, and in determining the aggregate of revenues required to be raised, the governing body shall consider the cost and value of existing, planned and foreseeably needed sewer facilities, the cost of operation and maintenance, repairs, replacements, extensions and improvements, and financial requirements for the proper servicing of existing and prospective borrowings which may be necessary, or desirable. Charges may be varied by the city in its discretion.

Section 8. The governing body of any city desiring to establish special classes of sewer users shall initiate proceedings by adopting and ordinance to be known as the "First ordinance" which shall state:

(a) The special classes of sewer users proposed to be created, the reasons and justifications for each classification, and the general geographical boundaries of each class, if susceptible of geographic identification;

(b) Whether a basic sewer service charge is proposed;

(c) The charges proposed initially for each special class; or, if such charges are dependent upon factors later to be determined, the formula, method, or basis upon which such charges will be established;

(d) Whether differences in charges, or schedules thereof shall be of indifinite duration, or of limited duration;

(c) Whether immediate construction and installation of sewer facilities, including reconstructing, replacing, repairing, extending, improving, enlarging, adding to, or completing any existing facilities, is proposed, and if so, a brief summary of preliminary findings and recommendations of an engineer, licensed by the Commonwealth, showing the occasion for such necessity and the general nature, scope, and estimated cost thereof; and

(f) The aggregate of revenues to be produced, and the amount of annual revenue estimated to be produced from users of each proposed special class.

Section 9. The First Ordinance shall be published as ordinances are required to be published, or if there is no local requirement of publication, it shall be published one time in a newspaper published in the city, or notice shall be by handbills generally circulated throughout the city. A certified copy of the First Ordinance shall be delivered to the county judge or county court clerk of each county in which any area affected by the ordinance outside the city may be situated, and the county judge, or county court clerk, shall, upon receiving the same, cause it to be posted at the county courthouse door, as in the case of notices of judicial sales of real property.

Section 10. If a city contemplates annexation of areas outside its corporate limits when the First Ordinance is published, or if annexation is then in progress, it may state that its proposed establishment of special classes of sewer users will be applicable to such areas, and is conditioned as to such areas upon the final annexation thereof.

Section 11. The First Ordinance shall provide for a public hearing at a time and place to be specified therein not less than one week after publication. Such hearing shall be presided over by a person or persons designated by the governing body of the city. Written minutes of the meeting shall be kept, and shall be made a part of a written report, to be submitted by the designated presiding person or persons, to the municipal governing body of the city. At such hearing any affected sewer user, including affected prospective sewer users in any area contemplated to be annexed or in the course of annexation proceedings, may appear and be heard.

Section 12. Any sewer user, or prospective sewer user, within any of the proposed special classes of sewer users may appear at the public hearing in person or by a representative and may submit in writing a statement of any reasons for advocating, or rejecting to, any matter set forth in the required notice. Such statement shall be attached to, or included in, the written report of the hearing. The person presiding at the hearing may require those in attendance to identify themselves as sewer users, or prospective sewer users, and may call for a vote of persons properly identified, on any pertinent matter. The results of such votes shall be included in the subsequent written report to the governing body. The hearing may be adjourned to convene again, either at a time and place announced at the hearing, or upon public notice of such time and place, to be made in the same manner as that required for First Ordinances.

Section 13. At any subsequent regular meeting of the governing body the written report of the public hearing concerning the First Ordinance shall be submitted. At such meeting, any sewer users, or prospective sewer users, may again be heard, in person or by representative. The governing body may adopt an ordinance to be known as the "Second Ordinance" which may provide for rejection or adoption or partial adoption of the First Ordinance proposals, or total or partial adoption with modifications. If the governing body shall determine that more than fifty percent of the sewer users or prospective sewer users, both in number and in source of projected revenues, object to the proposals finally adopted by the governing body, it may adopt the Second Ordinance only upon the affirmative vote of three-fifths of the membership of the governing body. The Second Ordinance shall be published in the same manner as required with respect to the First Ordinance.

Section 14. (1) Any sewer user, or prospective sewer user, affected by the Second Ordinance may, within thirty days after publication of the Second Ordinance, file an action in the circuit court of the county in which the city is situated attacking the validity of the Second Ordinance from the standpoint of whether the governing body acted in conformity with the procedures made mandatory by this Act. Provided, however, that if any aggrieved sewer user or prospective sewer user files in the office of the city clerk a written notarized statement of intent to file such an action, the time for filing actions in the circuit court shall be fifteen days after such notice of intent to sue is filed with the clerk, or thirty days after publication of the Second Ordinance, whichever is later.

(2) Proceedings in the circuit court shall be tried according to the practice prescribed for equity cases.

(3) There shall be no appeal from the judgment of the circuit court, except as to constitutional questions.

(4) In the event an action is filed as provided for by this Act, the effective date of the proposed sewer service charges as prescribed

by the Second Ordinance shall be the date judgment is entered by the circuit court, if such judgment is favorable.

HB 264, AN ACT relating to city taxes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 92.420 of the Kentucky Revised Statutes is amended to read as follows:

Property subject to city taxation shall be assessed for city taxation as of the following dates:

(1) In cities of the second class, July 1;

(2) In cities of the third class, a date fixed by the city legislative body;

(3) In cities of the fourth class, January 1;

(4) In cities of the fifth class, January 1;

(5) In cities of the sixth class, January 1.

HB 512, AN ACT relating to game and fish.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 150.083 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Commissioner of Fish and Wildlife Resources my suspend any employee for a period of time not to exceed two months, or may impose a fine of not more than two months pay, or both so suspend and fine such employee for violating any order or regulation promulgated by the Commission. The Commissioner shall discharge any employee guilty of a second or subsequent violation of this subsection, such violation not necessarily being the same as the first.

(2) Any employee of the Department of Fish and Wildlife Resources suspected or accused of any felony shall be suspended from his position pending a hearing before the Commission or trial. Any employee so suspended shall not be eligible to receive compensation during such period and shall, if the charges are substantiated, either by finding of the Commission or by conviction on trial, be immediately dismissed by the Commissioner. If the charges be not substantiated by a hearing or a conviction obtained on trial such employee shall be immediately reinstated and reimbursed for compensation not paid during the period of his suspension, provided he has not been indicted by a grand jury.

(3) There is nothing in the Civil Service Act, nor shall such be included in any regulations adopted by the Commission that shall be interpreted to give security of position to any employee who does not perform the duties of his or her position and if such duties are not performed satisfactorily the employee may be dismissed by the Commissioner.

(4) The Commissioner may dismiss any employee at any time for just cause, as set forth in the regulations, including any act of disloyalty or insubordination toward any officer of the department.

(5) When any employee of the Department of Fish and Wildlife Resources is dismissed for any reason, he may have a hearing before the Commission by filing a request in writing with the Commissioner within ten days after his dismissal. When the Commission is required to hold a hearing on any case where witnesses are required to give evidence, it shall have the power to issue subpoenas for such and any witnesses.

(6) Nothing in this chapter or in the Civil Service Regulations is intended to prevent the Department from decreasing the number of employees when in the opinion of the Commission and the Commissioner it is necessary to the efficient operation of the Department. When a number is so decreased employees having the lowest service record in each particular job classification shall be the first to be released and shall be placed at the head of the eligible list for re-instatement in the order of their service records. When such a reduction is made all employees on probation in each job classification shall be released before any civil service employee is affected.

Section 2. The Department of Fish and Wildlife Resources shall, by its Commission, prescribe reasonable license fees relating to hunting, fishing and trapping, boats and boating. Provided, however, the Department shall set no private license fee at less than one dollar nor more than one hundred dollars, and no commercial license fee at less than two dollars nor more than five hundred dollars.

Section 3. Section 150.370 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall take any wild animal protected by this chapter except during the open season for the particular species as prescribed by the Department. The open season for rabbits may be between November 1 and February 1 only, but shall not exceed a total of sixty days, consecutive or otherwise. The open season for mink, skunk, muskrat and red fox may be between November 1 and February 15 only, but shall not exceed a total of sixty days, consecutive or otherwise. The open season for squirrel may be between August 1 and January 1 only, but shall not exceed a total of ninety days, consecutive or otherwise. The open season for pond, bull or jumbo frogs shall be such period as the Department may prescribe. There shall be no open season for otter or beaver. The open season for raccoon and opossum and the manner of taking may be prescribed by the Department by regulation.

(2) Sub-section (1) of this section shall not apply to persons who hunt red fox at night with dogs for sport and not to kill; but this

exception in favor of sportsmen shall not extend to anyone engaged in the business of a fur dealer or a trapper or a professional hunter.

(3) The possession of any wild animals, fur bearers, or the raw fur thereof, when the season is not open for the particular species shall be prima facie evidence that the animal was taken out of open season, but this presumption shall not apply to possession of any such animal or fur by a trapper during the open season as prescribed by the Department and fifteen days thereafter, or by a fur buyer during the open season and twenty days thereafter.

Section 4. Section 150.220 of the Kentucky Revised Statutes is repealed.

Section 5. Section 150.105 of the Kentucky Revised Statutes is amended to read as follows:

The Commissioner may authorize conservation officers or any other persons to destroy or bring under control, in such manner as he deems necessary, any wild animal, fish or wild birds, protected or unprotected, which are causing damage to persons, property or other animals, fish or birds or spreading diseases and which in his judgment should be eliminated or controlled to prevent further damage.

HB 433, AN ACT relating to the Department of Agriculture, Labor and Statistics.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 246.140 of the Kentucky Revised Statutes is amended to read as follows:

Members of the board shall receive twenty-five dollars per day and actual traveling expenses while attending meetings of the board, but the total number of days the board may be in session shall not exceed seventy-five per year.

HB 295, AN ACT relating to insurance companies.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A foreign insurance company or insurer incorporated by or under the laws of any other state or foreign country, which is subject to the tax imposed by KRS 136.330, 136.340, 136.350, 136.360, 136.370, 136.390, 342.445 or 342.450, and which owns or leases and substantially occupies any building in the Commonwealth of Kentucky as a regional home office, as defined in Section 2 of this Act, shall be entitled to the following credits and deductions against such tax:

(a) An amount equal to fifty per centum of the amount of the tax as determined under KRS 136.330, 136.340, 136.350, 136.360, 136.370, 136.390, 342.445 or 342.450.

Section 2. A regional home office, for the purpose of this section, shall mean an office performing, for an area covering three or more states, the selling, underwriting, issuing and servicing of insurance, including the following functions relating thereto: approval or rejection of applications for insurance and issuance of policies thereon, approval of payment of all types of claims, maintenance of records to provide policyholder information and service, advertising and publications, public relations, supervision and training of sales and service forces.

Section 3. Such a foreign insurance company or insurer shall, by March 1 of each year, on forms to be prescribed by the insurance commissioner, furnish proof which shall satisfy the insurance commissioner that such foreign insurance company or insurer owned or leased and substantially occupied during the preceding calendar year a regional home office as contemplated by Section 2 of this Act. Upon receipt of such proof, the insurance commissioner shall issue to the state treasurer a certificate that the foreign insurance company or insurer owned or leased and substantially occupied during the preceding calendar year a regional home office, as contemplated by Section 2 of this Act. Upon receipt of such proof, the insurance commissioner shall issue to the state treasurer a certificate that the foreign insurance company or insurer owned or leased and substantially occupied during the preceding calendar year a building in this state as such a regional home office, with the location thereof, and is entitled to the credits and deductions provided for in Section 1 of this Act with respect to the tax imposed by KRS 136.330, 136.340, 136.350, 136.360, 136.370, 136.390, 342.445 or 342.450, which accrued during such calendar year. Provided, that with respect only to the calendar year in which a foreign insurance company or insurer shall first establish such a regional home office in this state, if the proof filed with the insurance commissioner on or before March 1 of the succeeding year, as above provided in this section, shall evidence to the satisfaction of the insurance commissioner that said foreign insurance company or insurer established such a regional home office in this state on or prior to July 1 of such calendar year and substantially occupied and maintained same during the remainder of such calendar year, then said foreign insurance company or insurer shall be entitled to the rights, credits and deductions provided in this Act as fully as though it had owned or leased and substantially occupied said regional home office during the entire period of such calendar year; and in such event the certificate to be issued by the insurance commissioner to the state treasurer as above provided in this section, shall be so worded as to accomplish the intent and purpose of this Act.

HB 583, AN ACT relating to the Legislative Research Commission.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 7.090 of the Kentucky Revised Statutes is amended to read as follows:

(1) There is hereby created a Legislative Research Commission composed of the Lieutenant Governor, the President Pro Tem of the Senate, the Speaker of the House of Representatives, the majority and minority floor leaders of the Senate and House of Representatives, and the caucus chairman of each party of each house, making eleven members in all. Any vacancy in the commission shall be filled by the remaining members thereof, provided, if the vacancy is in the membership of the House of Representatives then the successor shall be from the House, and if the vacancy is from the Senate membership of the commission then the successor shall be from the Senate. A member thus elected to fill any vacancy shall hold office for the unexpired term of his predecessor. The Lieutenant Governor shall be ex officio chairman of the commission.

(2) The Legislative Research Commission shall meet during regular and special sessions of the General Assembly, and during the intervals between sessions at such times and places, as the chairman may determine. Meetings of the commission shall be called by the chairman on his own initiative, or at the written request of any five members of the commission. For attending meetings between sessions, whether regular or special, of the General Assembly, the members of the commission, or any subcommittee thereof, shall be paid their necessary traveling expenses and in addition thereto twenty-five dollars per day.

(3) The commission shall appoint a director, who may be a member of the commission, who shall have had graduate training in government in a recognized university or college or practical experience in governmental administration, and who shall hold office at the pleasure of the commission. If a member of the commission is appointed as director, he shall not receive compensation for his position as a commission member. The salary of the director shall be determined by the commission. The commission, through its agent, the director, shall have exclusive jurisdiction over the employment of such personnel as may be necessary to effectuate the provisions of KRS 7.090 to 7.110 but classification of such personnel shall be as provided in KRS Chapter 18.

(4) Any professional, clerical or other employes required by any committee appointed by the General Assembly shall be provided to the committee by the Legislative Research Commission. The chairman of the committee shall advise the director of the Legislative Research Commission of his need for such personnel. In the event that the personnel required by any committee cannot be met by the staff of the Legislative Research Commission, the director shall employ

such personnel as necessary to meet the needs of the committee, and shall fix the rate of compensation of such employes.

(5) The director shall, at the discretion of the commission and under its supervision and control, provide for the allocation of the work and activities of all employes of the commission.

(6) The commission may, in effectuating the provisions of KRS 7.090 to 7.110, contract with any public or private agency or educational institution or any individual for research studies, the gathering of information or the printing and publication of its reports.

Section 2. Whereas the Legislative Research Commission does much of its work during the legislative session, and the membership of all members of the commission should become effective during the legislative session, an emergency is declared to exist and this Act shall become effective upon its approval by the Governor.

HB 567, AN ACT relating to the preservation of records of circuit and county courts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. All records of circuit and county courts shall be microfilmed in accordance with this Act.

Section 2. Application shall be made by each court to the Secretary of State for the microfilming of its records at such time as the county has taken the necessary legislative action to finance that portion of the cost of such microfilming which is due the Secretary of State under the provisions of this Act. Upon receipt of such application, the Secretary of State shall proceed with the microfilming in the order in which the requests are made, subject to the limitations of funds available for that purpose.

Section 3. The expense of the microfilming of court records shall be borne equally by the Commonwealth and the county.

Section 4. After such microfilming, the films shall be stored by the Secretary of State in a fireproof vault. The Secretary of State shall also provide proper records and indices.

Section 5. For purposes of inaugurating this program, there is hereby appropriated out of the General Fund to the Secretary of State the sum of $100,000 for the biennium of 1958-1960.

Committee Amendment: Amend printed copy of **HB 567** on page 2, section 5, line 3. Strike out the figure of "$100,000" and insert in its place the figure "$25,000."

HB 459, AN ACT relating to schools.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Any board of education, upon proper showing, may declare an emergency to exist in the school system, and order the schools closed for the period of the emergency. During such emergency period, the pupils and teachers of the system shall be credited as if in attendance for not more than ten days, and the ten days shall be counted for all purposes as a part of the regular school term.

Section 2. An emergency shall be declared when there occurs:

(a) Weather conditions, such as snow, sleet, floods, or other excessive conditions making school attendance dangerous to the health or safety of pupils or the public;

(b) An epidemic of disease makes a school attendance dangerous to the public health;

(c) Any act of God not covered by (a) and (b).

Committee Amendment: Amend printed copy of **HB 459** by adding the following amendment to the bill:

Section 3. This Act shall apply to the school year beginning in September, 1957, and continuing to all school years thereafter.

HB 266, AN ACT relating to expenditures of rural highway funds.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The Department of Highways may expend monies designated for rural highways and rural secondary highways for the construction, maintenance, repair, and improvement of city streets, including bridges and viaducts, in any city, if the streets, bridges, and viaducts form a portion of the county highway system, and the expenditure has been formally requested by the fiscal court of the county in which the city is located.

HB 392, AN ACT relating to state employes retirement.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Any member of the Kentucky Employes Retirement System who, prior to the date he first participated in the system, was inducted into the United States Employment Service under Presidential Executive Order 8990 dated December 23, 1941, as a part of the mobilization of manpower during the emergency of World War II, and who served continuously with the United States Employment Service or the War Manpower Commission and who was returned to the employ of the State under the provisions of Public Law 549, 79th Congress, shall be credited with service on the same basis as if he had remained fully in the employ of the State. Any member who, while in the above employment status, was inducted into the Armed Forces of the United

States shall receive the same credit for service as prescribed in KRS 61.555 (2).

HB 316, AN ACT relating to legal holidays.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 2.110 of the Kentucky Revised Statutes is amended to read as follows:

(1) January 1 (New Year's Day), January 19 (Robert E. Lee Day), Presidential Inauguration Day, January 30 (Franklin D. Roosevelt Day), February 12 (Lincoln's Birthday), February 22 (Washington's Birthday), May 30 (Memorial Day), June 3 (Confederate Memorial Day, and Jefferson Davis Day), July 4 (Independence Day), Primary Election Day, the first Monday in September (Labor Day), October 12 (Columbus Day), the first Tuesday after the first Monday in November (General Election Day), November 11 (Armistice Day), December 25 (Christmas Day) of each year, and all days appointed by the President of the United States or by the Governor as days of thanksgiving, are holidays, on which all the public offices of this Commonwealth may be closed; and shall be considered as Sunday for all purposes regarding the presenting for payment or acceptance, and of protesting for and giving notice of the dishonor of bills of exchange, bank checks and promisory notes, placed by law upon the footing of bills of exchange. If any of the days named as holidays occur on Sunday, the next day thereafter shall be observed as a holiday but bills of exchange or other papers may be presented for payment or acceptance on the Saturday preceding the holiday and proceeded on accordingly.

(2) No person shall be compelled to labor on the first Monday in September (Labor Day) by any person.

(3) No teacher or employee of the Public Schools in the State of Kentucky shall be compelled to labor on Primary Election Day, nor the first Tuesday after the first Monday in November (General Election Day.)

HB 219, AN ACT relating to payment of compensation for state employment.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 45.340 of the Kentucky Revised Statutes is amended to read as follows:

Except where otherwise provided by law, checks for salaries due to public officers and employes shall be issued weekly, semi-monthly, monthly or for such other period of time not exceeding thirty days which may be designated by the Department of Finance with the approval of the Governor. Checks shall be tendered to an officer or employe only after he has completed the work for which he is being paid and not later than ten days after the designated pay period.

HB 534, AN ACT relating to transmission of natural gas.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 278.485 of the Kentucky Revised Statutes is amended to read as follows:

Every gas pipe line company obtaining gas from producing wells located within this state, upon the request of the owner of the property on or over which any producing well or gas gathering pipe line is located or the owner of real estate whose property and point of desired service is located within one-half air-mile of said company's producing gas well or gas gathering pipe line, shall furnish gas service to such owner and applicant, subject to and upon the following terms, conditions and provisions, to-wit:

(1) The gas service shall be furnished at rates and mimimum monthly charges determined by the Public Service Commission.

(2) The applicant for such gas service shall construct or cause to be constructed, and shall maintain and keep in good repair, the service lines, and shall provide and install or cause to be installed, and keep in good repair, the necessary automatic gas regulators, and shall pay the entire cost thereof. The company, at its own expense, shall provide, install and maintain the necessary gas meters.

(3) The construction of each service line, the installation, type and number of automatic gas regulators and gas meter or meters and the connection thereof with the gas producing well or pipe line shall be under the supervision of the Public Service Commission or an agent thereof; and, shall conform to such standards of safety, location and convenience as may be prescribed by said commission.

(4) Neither the gas producer nor the gas pipe-line company shall be responsible for maintaining any fixed or specified gas pressure. Neither the gas producer nor the gas pipe line company shall be liable for any accident or accidental injuries or damages which may result from any defect or failure of any automatic gas regulator or for any leakage or other defect or failure of any service line installed or constructed by the applicant.

(5) Nothing in this section shall be construed as requiring any gas pipe line company to serve any such owner of property or applicant from any line or lines established on the discharge side of any compressor station, or from any line or lines serving or connecting with any gas storage field. The provisions of this section shall apply only to producing gas wells and to gas pipe lines commonly known as gathering lines.

(6) Every gas pipe line company operating for the transmission

of natural gas and supplying gas to any city, town or municipality within this state shall upon the request of the owner of the property upon which any gas transmission line is located, furnish service to such owner at rates determined by the Public Service Commission.

(7) The gas service shall be furnished at rates and minimum monthly charges determined by the Public Service Commission. The gas company, for such service, shall construct or cause to be constructed and maintain and keep in good repair the service lines. It shall install or cause to be installed the necessary gas regulators and shall pay the cost thereof, and shall provide and maintain the necessary gas meters.

(8) Nothing in this section shall be construed to restrict the right of any gas pipe line company to abandon any gas well or any gathering pipe line, or any part thereof, and to remove any such abandoned pipe line or lines.

(9) Subject to the rules and regulations of the Public Service Commission, any service may be disconnected and discontinued by the company for failure of the customer to pay any bill as and when due and payable.

HB 395, AN ACT relating to alcoholic beverages.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) No person shall erect, maintain or permit the erection or maintenance of, in any territory where the sale of alcoholic beverages is prohibited under the provisions of KRS Chapter 242, any sign, poster, billboard or other image, either outdoors or indoors, advertising or depicting any type of alcoholic beverage.

(2) Any person who violates any of the provisions of this Act shall be fined not less than twenty-five nor more than one hundred dollars.

HB 473, AN ACT relating to the operation of railroads.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. No railroad shall operate or permit to be operated a freight train without a full crew of competent employes. For a train of one hundred cars or less a full crew shall consist of not less than one engineer, one fireman, one conductor, one flagman and one brakeman. Engineers or conductors shall have a minimum of three year's service to operate such trains.

Section 2. Any railroad company that violates, or permits any of its agents or employes to violate the provisions of this Act shall, in addition to subjecting itself to any damages that may be caused by such violation be fined not less than one hundred dollars nor more than five hundred dollars for each offense, to be recovered in the Franklin Circuit Court or in any county through which the railroad operates a line of roads.

HB 562, AN ACT relating to sanitary sewers, involving water suppliers.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The General Assembly hereby recognizes and declares that the use of water in any manner tending to contaminate it raises a correlative public duty to provide for the proper disposition thereof according to the highest public health standards, and that such public duty includes full responsibility for paying the cost of such disposition.

Section 2. As used in this Act, unless the context otherwise requires:

(a) "City" means an incorporated municipality of any class;

(b) "Governing body" means the body vested by law with the legislative power of a city;

(c) "Sewer body" means the body vested with responsibility for the control, operation, and maintenance of a city's sewer facilities, which may be the governing body or a board, commission, or agency, created by statute or by city ordinance, or a private person, performing such functions under lawful contract with the city;

(d) "Water supplier" means any person supplying water intended to be used, or actually used, in any manner resulting in contamination and includes the city itself, other cities and public bodies, and private operators of water-supplying facilities;

(e) "Public health standards" means such standards as are lawfully prescribed from time to time by the State Board of Health, the United States Public Health Service, or any lawfully constituted county, city, or other public board, department, or agency, vested with responsibility in this area.

Section 3. In the interests of the public health, safety, and general welfare, cities may enforce collection of lawful rates and charges for the use of municipal sewer facilities by requiring that water service, whether provided publicly or privately, be discontinued until payment is made or some satisfactory arrangement is reached. Cities may delegate to sewer bodies the power to issue orders to water suppliers to discontinue service to any person who is delinquent in paying sewer charges.

Section 4. (1) If a city is also the water supplier, the governing body may provide that rates for water service and sewer service be billed simultaneously and that water service shall be discontinued upon failure to pay any part of such charges, including penalties, interest, and reasonable fees for disconnection and reconnection;

(2) If a city is not also the water supplier, then in the event of failure on the part of any sewer user to pay, when due, the bill for sewer service charges, the sewer body may, when such power has been delegated to it by the city, give notice in writing, signed by an authorized person, to the water supplier, to discontinue water service to premises designated in the notice, until notified otherwise. The notice shall identify the delinquent sewer user in such manner as reasonably to enable the water supplier to identify the water service connection which is to be cut off pursuant thereto. Upon receipt of such notice, the water supplier shall discontinue water service to the premises until notified otherwise by the sewer body.

Section 5. (1) A water supplier may in writing served upon the city clerk, set forth (a) reasonable fees or charges for disconnecting and reconnecting water service connections, and (b) whether or not it will require that an authorized agent of the sewer body accompany its own agent or employe when disconnection is undertaken pursuant to any order to discontinue service by the sewer operator.

(2) If, at the time a water supplier receives notice to discontinue service the terms of the written instrument delivered to the city clerk require that an authorized agent of the sewer body be present when the water connection is cut off, the water supplier shall not be required to effect the discontinuance of water service if it is unable to procure the presence of an authorized agent of the sewer body.

Section 6. No Payment of the bill for sewer service charges disputed by the sewer user shall be deemed a waiver by the sewer user of any right thereafter to claim and recover from the sewer body any and all sums improperly included in the bill. In the event of such dispute, the authorized agent of the sewer body may make adjustment for any apparent error in mathematical computation of the bill, he may tentatively agree to any proposed plan for delayed payment, or he may refer the dispute to the sewer operation for consideration. In such event the agent of the sewer body may direct that the water service not be discontinued at that time, and he shall endorse such direction upon the water supplier's discontinuance notice. If a water supplier is directed not to discontinue service, after sending an agent to perform such duty, it shall be entitled to receive its proper fee as if the discontinuance had been made.

Section 7. Any sewer body and any water supplier may enter into a contract relating to any of the provisions of this Act. Such contract may provide that the water supplier shall furnish to the sewer body copies of its records or that the water supplier will compute sewer charges for the sewer body. However, no such contract shall render nugatory the right of a sewer body, to order water suppliers to terminate water service to any premise, provided such authority has been delegated to the sewer body by the city.

Section 8. No water supplier who discontinues water service pursuant to an order from the sewer body as provided in this Act, shall incur any liability by reason thereof, except to the extent of its own negligence or other improper conduct.

Section 9. Any water supplier which wrongfully fails or refuses to discontinue water service pursuant to an order properly made to it by a sewer body and continues such failure or refusal for a period of thirty days after receipt of the notice, shall be liable to the sewer body for any amount due from the sewer user involved.

HB 564, AN ACT creating the Kentucky Construction Standards Commission.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of the Kentucky Revised Statutes is created to read as follows:

(A) There is hereby created the Kentucky Construction Standards Commission which shall consist of the following members:

(1) Attorney General;
(2) Superintendent of Public Instruction;
(3) Dean of the College of Engineering, University of Kentucky;
(4) Commissioner of the Department of Public Safety;
(5) Commissioner of the Department of Highways;
(6) Commissioner of the Department of Insurance;
(7) Commissioner of the Department of Health;
(8) Commissioner of the Department of Finance;
(9) State Fire Marshal; and
(10) Six persons appointed by the Governor with original appointments, one for one year, one for two years, two for three years and two for four years, and thereafter as terms expire appointments shall be for four years each. These appointees shall be one each from the following profession or occupations:

(a) Architect;
(b) Consulting Engineer;
(c) General Contractor;
(d) Organized Labor;
(e) Subcontractor; and
(f) Building Material Dealer.

(B) The Governor shall appoint the chairman of the Commission from among the members.

(C) The Commission shall select a secretary who shall carry out the administration of the Commission when the Commission members are not in session. The secretary shall also assist the Commission members when they are in session and shall perform all other duties necessary to the functioning of the Commission.

Section 2. (1) The Kentucky Construction Standards Commission shall regulate the building standards of the construction industry in the Commonwealth of Kentucky and shall enforce and carry out the provisions of this Act.

(2) The Commission shall adopt reasonable rules and regulations setting forth the construction standards required in all types of constructions, as well as all other rules and regulations deemed necessary for the proper regulation of the construction industry.

(3) The Commission shall have the power to seek injunctive relief, either permanent or temporary, or a restraining order against any party who has or who is about to violate any provisions of this Act.

(4) The Commission shall prescribe an annual license fee and require every person, company or corporation doing construction work in the Commonwealth of Kentucky to purchase such license prior to any construction work being done, and said license may be revoked by the Commission at any time for failure to comply with the provisions of this Act or for failure to comply with the rules and regulations promulgated by the Commission.

(5) Any person, company or corporation who fails to purchase a license and does construction work without one shall be liable for a fine of not less than one thousand dollars nor more than ten thousand dollars and each structure constructed without such a license shall constitute a separate offense.

(6) The Commission shall have the power to require every architect or contractor who performs work on a construction project to certify that the construction complies with the provisions of this Act and the rules and regulations of the Commission.

Section 3. (1) The Kentucky Construction Standards Commission shall meet in session, at least quarterly, and at any other time when called by the chairman of the Commission.

(2) The Commission, in addition to the secretary provided for in Section 1 may appoint a stenographer and such other employes as it finds necessary for the proper performance of its duties and fix the compensation of such employes within the annual appropriation of said Commission by the Legislature.

(3) The Commission may contract with and pay any private organization with representation from architects, contractors, engineers, labor and building material dealers, for the preparation of the Kentucky Building Code or any other code desired by the Commission.

Section 4. The sum of fifty thousand dollars is hereby appropriated out of the General Fund to carry out the purposes of this

Act. The sum shall not lapse at the end of the 1958-1959 fiscal year but shall be carried over into the 1959-1960 fiscal year.

Section 5. This Act hereby repeals all existing laws, ordinances, and administrative rules and regulations promulgated by state administrative agencies, pertaining to construction requirements of the Commonwealth of Kentucky.

HB 574, AN ACT relating to fire protection districts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 75.040 of the Kentucky Revised Statutes is amended to read as follows:

(1) Upon the creation of a fire protection district as provided in KRS 75.010 to 75.030, the trustees of such district may establish and operate a fire department in such district and levy a tax upon the property in said district that is subject to county tax, not exceeding thirty-five cents per one hundred dollars of valuation as assessed for county taxes, for the purpose of defraying the expenses of such establishment, maintenance, and operation of said fire department, or to make contracts for fire protection for such district as provided in KRS 75.050.

(2) After the tax has been levied as herein provided, such trustees shall certify the same to the sheriff of the county in which the fire protection district is located, who shall collect such tax when and as the county taxes are collected by him.

(3) For the collection of the tax the sheriff shall be entitled to a commission of one percent of the amount collected. Any delinquent fire protection district taxes shall bear the same interest and penalties as do delinquent county taxes.

HB 587, AN ACT relating to statements required of foreign and domestic corporations.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 271.055 of the Kentucky Revised Statutes is amended to read as follows:

(1) The articles of incorporation in triplicate originals shall be acknowledged by at least three of the incorporators before an officer authorized by the laws of this state to take acknowledgments and the triplicate originals shall be delivered to the Secretary of State. If he finds that the articles of incorporation have been signed and acknowledged according to law, he shall, when all taxes, fees and charges have been paid as required by law, record one original in his office, and issue a certificate of incorporation. There shall be paid

to the Secretary of State a fee of $3.00 for recording the articles, and a fee of $1.00 for issuing a certificate of incorporation.

(2) The certificate of incorporation together with the remaining original articles of incorporation, endorsed with the fact and time of recording in the office of the Secretary of State, shall be returned to the incorporators or their representative. One original shall then be filed with and recorded by the clerk of the county court of the county in which the registered office of the corporation is situated, and the other shall be retained by the corporation. The clerk of the county court shall be paid a fee of $3.00 for recording said articles.

(3) No foreign corporation, except a foreign insurance company, shall be authorized to do business in this state until it has filed a certified copy of its articles of incorporation and all existing amendments in the office of the Secretary of State. It shall thereafter file a certified copy of subsequent amendments to its articles in the office of the Secretary of State. Such corporations shall pay to the Secretary of State an original filing fee of $25.00 and a recording fee of $10.00 for recording the articles in incorporation and accompanying amendments, and shall pay the same recording fee for recording subsequent amendments.

(4) A copy of any articles of incorporation and all amendments thereto of both domestic and foreign corporations as recorded in the office of the Secretary of State, under the certificate and seal of that office, shall be accepted as evidence in any court for any purpose in any action in which the original could be used. For furnishing a certified copy of the record to any party, the Secretary of State shall charge the same fee to be charged for the recordation of that instrument.

Section 2. Section 271.385 of the Kentucky Revised Statutes is amended to read as follows:

(1) Every domestic corporation shall maintain an office in this state to be known as its registered office and shall have an authorized agent upon whom process can be served. The location and post-office address of the original registered office, and the name and address of the original agent, shall be stated in the articles of incorporation as provided in subsection (1) of KRS 271.035.

(2) Every foreign corporation, except foreign insurance companies, carrying on business in this state, shall at all times have an office in this state and an authorized agent in this state upon whom process can be served. A statement, signed by the president or secretary of the corporation, giving the location and post-office address of the office and the name and address of the agent, shall be filed with the Secretary of State at the same time the certified copy of the articles of incorporation is filed as provided in subsection (3) of KRS 271.055.

(3) When any change is made in the location and post-office ad-

dress of the registered office of a domestic corporation, or of the Kentucky office of a foreign corporation, or in the name or address of the process agent of any corporation, the corporations shall at once file with the Secretary of State a statement of the change. The former agent shall remain agent for the purpose of service of process until a statement designating the new agent is filed.

(4) The Secretary of State shall charge a fee of $5.00 for the filing of each statement mentioned in subsections (2) and (3) of this section.

(5) Every domestic corporation shall, in June of each year, file with the Secretary of State a statement verifying the correctness of the location and post-office address of its registered office and the name of its agent designated for the service of process, and pay a fee of $2.00. If the statement is not filed in June of each year the Secretary of State shall mail notice to the corporation as a warning that its certificate of incorporation will be revoked if the statement of verification is not filed within two years after mailing of the notice. If the statement is not then filed within two years, the Secretary of State shall revoke the certificate of incorporation and mail notice thereof to the corporation at its registered office.

(6) Every foreign corporation shall, in June of each year, file a statement of existence with the Secretary of State in such form and containing such information as may be prescribed by him, and pay a fee of $4.00. The statement of existence shall also contain a statement verifying the correctness of the location and post-office address of the corporation's office and the name of its agent designated for the service of process. If the statement is not filed in June of each year the Secretary of State shall mail notice to the corporation as a warning that its right to do business in this state will automatically cease if the statement of existence is not filed within thirty days after mailing of the notice. If the statement is not then filed within thirty days, the Secretary of State shall record the fact of such cessation of right and mail notice thereof to the corporation at its last known place of business in Kentucky.

(7) The agent for the service of process provided for in this section may be either an individual resident of this state, or a corporation authorized to transact business in this state and authorized by its articles or certificate of incorporation to act as such an agent. Service of process upon a corporate agent, as such agent, may be had by delivering a copy of the process to the president, a vice-president, the secretary, or an assistant secretary of such corporate agent.

HB 586, AN ACT relating to county-wide government.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) The people of a county may by agreement of all govern-

mental units within the county or by a referendum held especially for that purpose establish a single form of government throughout the county. The form of the county-wide government shall be that of county government except that such government may be supplemented with agencies and functions of government authorized for the highest class of city within the county where such supplementation is not inconsistent with the county form of government. The existence of the municipal corporations within the county shall continue but its governing powers will become imperative in accordance with the terms of this Act.

(2) Each such county shall continue to be subject to the laws of the Commonwealth applicable to counties generally and may exercise all functions and powers given to county government. In all matters not directly related to the form of government the county-wide government may exercise the powers of a county government and the powers of the highest class of city within the county except where the exercise of both would be in conflict in which case the county-wide government shall choose one of the available powers. The exercise of any of such powers is subject to all limitations and obligations which are a part of the law granting the power.

(3) A county-wide government shall not become operative until after the next general election of county officers following the agreement or referendum adopting it. The governing activities of all cities within the county shall continue to operate until the governing body of the county-wide government orders it to cease. All revenues taken in during such continued operation shall be paid into the county treasury and the expenses of all such operations shall be borne by the county-wide government.

HB 292, AN ACT relating to the regulations of carpenters and carpentry.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. (1) As used in this Act, unless the context requires otherwise:

(a) "Boards," means the State Fire Marshal and the Commissioner of Industrial Relations.

(b) "Carpenter" means any person who performs the work of carpentry.

(c) "Carpentry" means establishment of all grade and boundry lines; to lay-out and supervise erection of structure according to plans and blue prints; the milling of, fashioning, joining, assembling, erecting, fastening, or dismantling of all materials of wood, plastic, metal, fiber or cork composition or all other substitutes materials; the handling, erecting, installing, and dismantling of machinery and equipment, where the skill, knowledge and training of the carpenter are required; either through the operation of machine or hand tools.

(2) This Act shall apply to all cities of the first and second class.

Section 2. No company, contractor, sub-contractor, firm, or corporation shall engage in the erection, construction, fabricating, or assembling of any building, housing project, apartment house, or other structure, intended for public use, or hire other employes to work at the carpentry trade unless they have been licensed according to this Act.

Section 3. (1) An application for a license as a company, subcontractor, firm, or corporation shall be a citizen of the United States or have applied for citizenship, and at least twenty-one (21) years old.

(2) He shall satisfactorily pass an examination promulgated by the board to test his technical and practical knowledge of carpentry and related requirements.

(3) Any contracting firm, sub-contractor or corporation may designate a foreman, superintendent or anyone acting in a supervisory capacity who has been a journeyman carpenter for at least five (5) years to take the examination. Upon passing same such contracting firm, sub-contractor or corporation will be licensed to operate under this Act.

Section 4. The following fees shall be paid to the board; they shall accompany the application and shall not be refunded:

(1) By an applicant for an examination for a license as a company, contracting firm, sub-contractor or corporation, twenty-five ($25.00) dollars.

(2) By an applicant for the annual renewal of a license as a company, contracting firm, sub-contractor, or corporation, twenty-five ($25.00) dollars.

Section 5. An applicant failing to receive a license upon his first application, or an applicant who fails to pass his first examination, may enter any examination held within six (6) months from the date of his failure to procure a license, without payment of any additional fee.

Section 6. In order to administer this Act, the board may issue and revoke licenses, conduct and make regulations for conducting examinations of applicants, govern the method and time within which an applicant shall be examined after his application has been filed. It may adopt any other reasonable regulations to administer this Act.

Section 7. In order to conduct examinations for persons to qualify as a licensed company, contracting firm, sub-contractor, or corporation, the board shall appoint as examiners the following persons or their representatives: The Director of Public Safety, State

Fire Marshal, and three (3) other persons, all of whom shall be journeyman carpenters, with not less than five (5) years practical experience as a carpenter.

Section 8. (1) The board shall appoint, where none exists, a city carpentry inspector and as many city carpentry deputy inspectors for each city as may be required to enforce this Act.

(2) Each city inspector and deputy shall be a journeyman carpenter. Every inspector and deputy shall have had at least five (5) years practical experience as a journeyman carpenter.

(3) The salary or fee of every city carpentry inspector and deputy shall be fixed by the board at the time of, or immediately after his appointment.

Section 9. Any person licensed under this Act may be styled as a registered carpentry contractor.

Section 10. (1) In order to administer this Act the board shall promulgate a code regulating the craft of carpentry erections in all cities of the first and second class. Further, the board shall enforce all existing carpentry codes for any first and second class city. All carpentry codes must meet the minimum standards of the code promulgated by the board.

Section 11. Cities other than the first and second class may adopt the code promulgated by the board under Section (10) of this Act, and may appoint a carpentry inspector who shall be a journeyman carpenter. At the time of their appointments the carpentry inspectors shall be journeyman carpenters, with not less than five (5) years practical experience as a journeyman carpenter. Nothing in this Act shall prevent a city from collecting license fees from the registered carpentry contractors or from collecting fees for the issuance of building permits for carpentry work.

Section 12. (1) No persons shall use unsafe or defective equipment or materials in the work of carpentry. All carpentry work shall conform to the minimum requirements of the code promulgated by the board.

Section 13. Any contractor, sub-contractor, firm or corporation who violates any provision of this Act, or who shall willfully perform any carpentry work which fails to meet the minimum requirements of the code promulgated by the board, shall be fined not less than twenty-five ($25.00) dollars and not more than five hundred ($500.00) dollars or imprisoned not more than ninety days or both, and their license revoked for one (1) year.

HB 432, AN ACT relating to the exercise of the right of eminent domain by companies authorized to construct or operate a railroad.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Any company authorized to construct or operate a railroad may, at its option, condemn land or material necessary for its use in the manner provided by KRS 416.230 to 416.310, in lieu of following the procedure set out in KRS 416.010 to 416.080.

HB 510, AN ACT relating to the erection of a statue in memory of Alben William Barkley, and making an appropriation therefor.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The Commissioner of Finance shall, within the legislative biennium 1958-1960, enter into a contract with a qualified sculptor of high standing in artistic circles to carve a life-size statue of the late Alben William Barkley. This statue shall be so constructed as to harmonize in material, size and dimension with those statues presently located in the rotunda of the State Capitol. Upon completion, the statue shall be placed in the rotunda of the State Capitol.

Section 2. The following inscriptions shall be carved at appropriate places on the base of the statue:

ALBEN WILLIAM BARKLEY

Born November 24, 1877	Died April 30, 1956
United States Congressman	1913-1927
United States Senator	1927-1949
Vice-President of the United States	1949-1953
United States Senator	1955-1956

He died with these words on his lips, that will live in the hearts of Kentuckians forever:

> "I had rather be a servant in the
> House of the Lord than to sit in
> the seats of the mighty."

Section 3. In order to carry out the provisions of this Act, there is hereby appropriated out of the General Expenditure Fund to the Department of Finance for the fiscal year 1958-1959, and without lapse if unexpended, for the fiscal year 1959-1960, the sum of Fifty Thousand Dollars; however, any unused or uncommitted portion of this sum shall revert to the General Expenditure Fund at the end of the biennium.

HB 355, AN ACT relating to divorce.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 452.470 of the Kentucky Revised Statutes is amended to reads as follows:

An action for alimony or divorce must be brought in the county where the wife usually resides, if she have an actual residence in this state; if not, in the county of the husband's residence. If the wife moves her residence to another county any such action filed within sixth days of the time of such change of residence shall be filed in the county from which she moved or in the county in which she formerly resided with her husband if the husband is still a resident of that county.

HB 424, AN ACT relating to the termite and pest control industry and amending sections 249.250, 249.260, 249.290, 249.300, 249.320, 249.340, and 249.990 and repealing section 249.280 of the Kentucky Revised Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 249.250 of the Kentucky Revised Statutes is amended to read as follows:

(1) "Department" means the Department of Agriculture, Labor and Statistics;

(2) "Commissioner" means the Commissioner of Agriculture, Labor and Statistics;

(3) "Board" means the State Board of Agriculture;

(4) "Insect" means arthropods, mollusks and annelid worms, except those producing disease in man;

(5) "Rodent" means the order rodentia and other pestiferous vertebrate animals;

(6) "Termite" means termite as commonly used as well as other cellulose destroying organisms of all types;

(7) "Fungi and Bacteria" means order producing organisms that occur in and around buildings;

(8) "Fumigation" means the use of poison gases to fumigate any enclosed space;

(9) "Owner" means any individual, firm, partnership, corporation, organization, association, or any combination thereof who owns a business for the purpose of applying or using insecticides, fungicides, or rodenticides for the control of termites, rodents, insects, fungi or bacteria, or who for hire or compensation owns a business for controlling, destroying, preventing, repelling, inspecting for or identifying insects, rodents, or termites, or offering advice regarding control methods of sanitation procedures relative to insects, rodents, termites, fungi, or bacteria. Excluded under these definitions are textile manufacturers, cleaners or furriers who treat fabrics or furs in their place of business exclusively.

Section 2. Section 249.260 of the Kentucky Revised Statutes is amended to read as follows:

Any owner who conducts a business for the purpose of applying insecticides, fungicides or rodenticides shall register with the department, on a form to be supplied by the department, and shall pay an annual license fee of one hundred dollars for each place of business maintained in Kentucky during the year. The annual license fee shall also be paid by any owner maintaining a place of business outside Kentucky but who engages in business within Kentucky. Every owner or his designated representatives, at the time of his initial registration, shall be required to pass a reasonable examination to be prescribed by the Commissioner before a license shall be issued, but any holder of a license shall not be required to take additional examinations at the time of the annual license renewal unless his license has been revoked or unless he applies to be licensed in one or more additional fields of operation.

Section 3. The Examining Board shall consist of the Commissioner of Agriculture or his representative, one representative of the Department of Entomology, University of Kentucky, two members of the Pest Control Industry to be selected by the Kentucky Pest Control Association, and a representative of the Economic Poison section of the Department of Feeds and Fertilizers, Kentucky Agricultural Experiment Station.

Section 4. Section 249.290 of the Kentucky Revised Statutes is amended to read as follows:

The department's authorized representatives shall have the power of peace officers in the enforcement of this Chapter, and may enter upon public and private premises for the purposes of inspection.

Section 5. Section 249.300 of the Kentucky Revised Statutes is amended to read as follows:

(1) A license may be revoked for just cause at any time after a public hearing before the Commissioner. The owner of such license shall be given notice in writing not less than fifteen days prior to the date of such hearing, sent by registered prepaid mail.

(2) The grounds for the revocation of a license shall be as follows:

(a) Making any material misrepresentations for the purpose of defrauding any member of the public or using any methods or materials which are not reasonably suitable for the purposes for which they are employed.

(b) Failing to pay any final judgment rendered against any owner or any regular employe, solicitor, agent or representative of said owner by reason of liabilities resulting from activities under KRS 249.250 to 249.340;

(c) Refusal to provide the department with reasonably complete and accurate information upon request;

(d) Violating any lawful order, rule or regulation of the department.

Section 6. Upon proceedings for revocation of any license under KRS 249.300, the Commissioner may in his discretion, order a suspension of the license for any cause for which he may revoke the license under KRS 249.300 (2), provided, however, the licensee may have the alternative, subject to the approval of the Commissioner, to pay in lieu of part or all of the days of any suspension period, the sum of one hundred dollars per day. Said sums to be paid into the State Treasury to the credit of a revolving fund for the use of the department in enforcing the provisions of this Chapter.

Section 7. Section 249.320 of the Kentucky Revised Statutes is amended to read as follows:

The Commissioner shall notify any applicant or owner by registered mail of any decision of the Commissioner to refuse to grant a license or to suspend or revoke a license under the provisions of KRS 249.300 within ten days after such decision, and the applicant or owner shall have thirty days after notification within which to petition the Commissioner for a rehearing. The Commissioner shall, within ten days after the said rehearing, notify the applicant or owner of its decision, and if the decision be unfavorable, the applicant or owner shall have thirty days within which to appeal such decision to the circuit court of the county in which he resides or maintains his principal place of business. If an owner takes such appeal within the time provided, the suspension or revocation by the Commissioner shall not become final until finally adjudicated. However, the Commissioner may require the posting of a reasonable and appropriate bond pending final adjudication.

Section 8. Section 249.340 of the Kentucky Revised Statutes is amended to read as follows:

All sums collected by the department shall be deposited in the State Treasury to the credit of a revolving fund for the use of the department in enforcing the provisions of this Chapter.

Section 9. Subsection (6) of Section 249.990 of the Kentucky Revised Statutes is amended to read as follows:

Any person violating any of the provisions of KRS 249.250 to 249.340 of any lawful order, rule or regulation of the department made under the provisions of this Chapter shall be fined not less than one hundred dollars nor more than five hundred dollars, or imprisoned not less than thirty days nor more than one year, or both.

Section 10. No prosecution shall be made under this Chapter unless it is commenced within two years of the time the violation is committed.

Section 11. Section 249.280 of the Kentucky Revised Statutes is repealed.

HR 104, A JOINT RESOLUTION authorizing the personal representative of Jane Gormley Roe, deceased, of Vanceburg, Kentucky, to sue the Commonwealth of Kentucky and the Department of Highways, or either.

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the personal representative of Jane Gormley Roe, deceased, of Vanceburg, Kentucky is authorized to sue the Commonwealth of Kentucky and the Department of Highways, or either, in the Lewis Circuit Court for damages resulting from the death of the said Jane Gormley Roe, alleged to have been caused on January 19, 1957, by negligence of the Department of Highways and its employes in failing to maintain in safe condition State Highway No. 10 at a point about five miles east of Vanceburg, where Mrs. Roe met her death. The suit may be commenced within six months from the day of final adjournment of this session of the General Assembly, and no plea of limitation shall be available if commenced within that time.

Section 2. The suit shall be for a sum not in excess of $10,000.

Section 3. The Attorney General may investigate the claim and may settle the claim before or after suit is filed, if he deems it advisable. Any amount recovered in the suit or by settlement shall be paid out of the State Road Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

Section 4. In the event suit is filed and judgment rendered by the circuit court, either party may appeal to the Court of Appeals.

Section 5. KRS 411.160 shall apply to this Resolution.

HB 522, AN ACT relating to city officers.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 86.220 of the Kentucky Revised Statutes is amended to read as follows:

(1) Each member of the city council shall be elected by the qualified voters of the ward for which he stands, or if the city is not divided into wards, by the qualified voters of the city. All other elective officers shall be elected by the qualified voters of the city. Each person voting for an elective city officer shall have the qualifi-

cations prescribed by Section 145 of the Constitution and each person voting for a member of the city council to represent any ward shall also have been a bona fide resident of that ward for sixty days next preceding the election. No person who has been defeated in any primary shall be a candidate for any city office the same year.

(2) In cities where the wards are coextensive with the county precincts, elections of all city officers shall be governed by the general registration and election laws. In other cities, elections of city officers shall be governed by the general registration and election laws except where this section provides otherwise.

(3) If the city is divided into wards not coextensive with the county precincts, the county clerk shall prepare or cause to be prepared, in addition to the other ballots required by law, a ballot book for each ward, and if any ward lies in more than one voting precinct, a ballot book for each precinct in the ward. Only the names of candidates for the city at large and of candidates for the ward shall be placed on the ballots for each ward. The general election laws shall govern the placing of names on the ballots, and the preparation, endorsement and delivery of the ballots. The officers of the election shall give to each voter who desires and is entitled to vote in the city election a ballot for his ward, in addition to the ballot of the state, county, district or precinct.

(4) The county election commission shall count the votes for each candidate for a city office, and within three days after the election shall deliver to the clerk of the city council a copy of the certificate of election issued to each person elected to a city office.

HB 463, AN ACT relating to parks, playgrounds and recreation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. (1) Boards of Park Commissioners in cities of the second class shall have the care, management and custody of the parks and grounds used for park purposes, the boulevards and playways now belonging to the city or in the control of the city, and all such property as may be acquired for park purposes or public squares by the city or board. Provided, however, the municipal legislative bodies of cities of the second class may elect to administer the park system by proceedings under the provisions of KRS 97.435.

Section 2. Sections 97.405, 97.465 and 97.485 of the Kentucky Revised Statutes are repealed.

Calendar

HB 139, HB 319, HB 418, HB 447, HB 448, HB 449, HB 450, HB 451, HB 452, HB 453, HB 454, HB 455, HB 456, HB 457, HB 196 Read at length for the second time. Ordered placed in Orders of the Day.

Orders of the Day

HB 276 taken from Orders of the Day on recommendation of the Rules Committee. Representative Everett moved that it be placed on passage. Agreed. Read at length for the third time.

Representatives Finney and Paul Davis moved to amend **HB 276** as follows:

Amend printed copy of **HB 276** on page 2, section 4, line 5 by inserting after line 5 of Section 4, the following:

Any manufacturer, jobber, or handler of anhydrous ammonia or pressure liquid fertilizers that have a vapor pressure in excess of fifty pounds at one hundred degrees Fahrenheit shall register annually with the department, and shall pay an annual license fee based on the volume of the previous year's business. The license fee shall be at least thirty-five dollars; operators who have handled more than two hundred and fifty tons during the previous year shall pay an additional amount equal to fifteen cents for each ton handled in excess of two hundred and fifty. The application for license shall be accompanied by an affidavit stating the applicant's volume of business. The department or its representative shall have the privilege of checking the validity of the information contained in the affidavit.

Adopted.

HB 276 as amended read for the third time.

On roll call, the vote was: Yeas, 71—Anderson, Arnold, Bach, Barton, Billington, Breckinridge, Brown, Buchanan, Buckner, Burke, Bush, Casey, Chaudoin, Coffey, Combs, M. W. Cook, Bill Cornett, P. W. Cornett, Crecelius, P. F. Davis, W. F. Davis, Dempsey, Everett, Farmer, Fields, Finney, Fitzpatrick, Ford, Greene, Hahn, Haley, Hart, Henry, Hinkle, Hopkins, Howard, Kincer, Kingsbury, Kubale, Lowman, Lyon, McCallum, McGuire, McReynolds, Mackey, Moore, Newberry, Ockerman, Parrish, Peace, Qualls, Ratcliffe, Rausch, Ray, Raybourne, Rayburn, Render, C. R. Reynolds, Searcy, Steiger, Stith, Tanner, Ed Thomas, S. R. Thomas, Walsh, Wathen, Wells, Williams, Wilson, Wirsch, Young. Nays 0.

HB 276 was passed as amended and the title agreed to.

HB 307 taken from Orders of the Day on recommendation of the Rules Committee. Representative Everett moved that it be placed on passage. Agreed. Read at length for the third time.

On roll call, the vote was: Yeas, 70—Anderson, Arnold, Bach, Barton, Billington, Breckinridge, Brown, Buchanan, Buckner, Burke, Casey, Chaudoin, Clore, Coffey, Combs, E. E. Cook, M. W. Cook, Bill Cornett, P. W. Cornett, Crecelius, P. F. Davis, W. F. Davis, Dempsey, Everett, Farmer, Fields, Finney, Fitzpatrick, Greene, Gullette, Haley, Hart, Henry, Hinkle, Hodges, Hopkins, Isler, Kincer, Kingsbury, Kubale, Lowman, Lyon, McCallum, McGuire, McReynolds, Mackey, Moore, Newberry, Ockerman, Parrish, Ratcliffe, Rausch, Ray, Raybourne, Rayburn, Render, C. R. Reynolds, Searcy, Smith, Sowards, Steiger, Tanner, Ed Thomas, S. R. Thomas, Walsh, Wathen, Wells, Williams, Wilson, Young. Nays 0.

HB 307 was passed and the title agreed to.

Representative Everett moved that **SB 133** be substituted for companion bill **HB 233** and that it be taken from Orders of the Day and placed on passage. Agreed.

SB 133 read at length to the House.

On roll call, the vote was: Yeas, 73—Anderson, Arnold, Bach, Bartley, Barton, Billington, Breckinridge, Buchanan, Buckner, Burke, Burress, Bush, Casey, Chaudoin, Clore, Coffey, Combs, M. W. Cook, Bill Cornett, P. W. Cornett, Crecelius, P. F. Davis, W. F. Davis, Dempsey, Everett, Farmer, Fields, Finney, Fitzpatrick, Ford, Gay, Greene, Hahn, Haley, Hart, Henry, Hinkle, Hopkins, Isler, Kincer, Lowman, Lyon, McCallum, McGuire, McReynolds, Mackey, Moore, Newberry, Ockerman, Parrish, Peace, Qualls, Ratcliffe, Rausch, Ray, Raybourne, Rayburn, Render, C. R. Reynolds, Richards, Searcy, Smith, Sowards, Steiger, Tanner, S. R. Thomas, Walsh, Wathen, Wells, Whitehead, Williams, Wilson, Young. Nays 0.

SB 133 was passed and the title agreed to.

Introductions

Representative Hall moved that the rules be suspended for introduction of **HR 105**, and that it be referred to Rules Committee. Agreed.

HR 105, by Representatives Hall, Lowman, A JOINT RESOLUTION appropriating twenty-five thousand dollars to the Prestonsburg Disaster Committee.

Recess

Representative Buchanan moved that the House recess for fifteen minutes for a meeting of the Rules Committee. Agreed. At the appointed hour the Speaker resumed the Chair and called the House to order.

Orders of the Day

HB 470 taken from Orders of the Day on recommendation of the Rules Committee. Representative Everett moved that it be placed on passage. Agreed. Read at length for the third time.

On roll call, the vote was: Yeas, 44—Bach, Barton, Breckinridge, Brown, Buchanan, Buckner, Burress, Chaudoin, Coffey, Combs, E. E. Cook, Bill Cornett, Everett, Farmer, Fields, Finney, Fitzpatrick, Gay, Greene, Gullette, Haley, Hall, Hart, Henry, Hinkle, Hodges, H. N. Johnson, Kincer, Kubale, Lyon, McCallum, Mackey, Moore, Parrish, Peace, Qualls, Rausch, Rayburn, Reed, Richards, Searcy, Steiger, Ed Thomas, Wilson. Nays 20—Arnold, Bartley, Billington, Bush, Casey, M. W. Cook, P. W. Cornett, Crecelius, Hahn, Newberry, Nunn, Ratcliffe, Ray, Render, Smith, Sowards, Stith, Tanner, Williams, Wirsch.

HB 470 was passed and the title agreed to.

HB 313 taken from Orders of the Day on recommendation of the Rules Committee. Representative Everett moved that it be read for the third time by title only and placed on passage. Agreed. Representative Walsh moved the Previous Question. Agreed.

On roll call, the vote was: Yeas, 56—Anderson, Bach, Barton, Billington, Burke, Casey, Chaudoin, Clore, Combs, M. W. Cook, Bill Cornett, Crecelius, P. F. Davis, W. F. Davis, Everett, Farmer, Fields, Finney, Fitzpatrick, Ford, Greene, Gullette, Hahn, Haley, Hall, Hart, Henry, Hinkle, Howard, Isler, Kubale, Lowman, Lyon, McCallum, McGuire, Mackey, Moore, Newberry, Nunn, Qualls, Ratcliffe, Rausch, Ray, Raybourne, Rayburn, Reed, Render, Steiger, Tanner, Ed Thomas, Walsh, Weintraub, Williams, Wilson, Wirsch, Young. Nays 18—Arnold, Bartley, Brown, Buchanan, Buckner, Burress, P. W. Cornett, Gay, Hodges, H. Nick Johnson, McReynolds, Ockerman, Parrish, Peace, Smith, Sowards, Stith, Wells.

HB 313 was passed and the title agreed to.

Representative Walsh moved that the vote by which **HB 313** was passed be reconsidered and said motion laid on the table. Agreed.

Introductions

The following Bills and Resolutions were introduced:

HB 600, by Representatives Lowman, Greene, Burress, Gay, Coffey, Hall, Lyon, AN ACT relating to old age assistance.

HB 601, by Representative Ed Thomas, AN ACT relating to water districts.

HB 602, by Representative Isler, AN ACT relating to taxation.

HB 603, by Representative Combs, AN ACT relating to fire protection districts.

HB 604, by Representatives Buchanan, Peace, AN ACT relating to compensation of county officers and employes, changing the rate for Justices of the Peace.

HB 605, by Representative Howard, AN ACT relating to public lakes.

HB 606, by Representative Ed Thomas, AN ACT relating to disposition of dead animals.

HB 607, by Representative Kincer, AN ACT relating to public ways.

HR 106, by Representative Gay, A JOINT RESOLUTION authorizing civil action against the Commonwealth of Kentucky and the Department of Highways, or either.

HR 107, by Representative Buchanan, A RESOLUTION extending to Mr. J. Louis Reynolds and Mr. Matthew W. Davis an invitation to address the House of Representatives of the General Assembly of the Commonwealth of Kentucky.

Representative Everett moved that the House adjourn until 8:00 p.m., Monday, March 10. Agreed.

MONDAY, MARCH 10, 1958

FIFTIETH LEGISLATIVE DAY

The House was called to order by the Speaker, Mr. Weintraub.

Invocation by the Reverend John C. Chenault, of the First Christian Church, of Frankfort.

The roll call showed all members present except Baumgardner, Everett, Gay, Huston Johnson, Lovelace, McCallum, Miller, Parrish, Richards.

Representative Chaudoin moved that absent members be granted leaves of absence. Agreed.

Reading of the Journal for March 7 dispensed with and the same approved on motion of Representative Isler.

Announcements

The Speaker announced that due to the absence of Majority Floor Leader, Addison Everett, Representative Rayburn would preside as Speaker, and that the Speaker, Morris Weintraub, would serve as Acting Floor Leader.

Speaker Weintraub vacated the Chair and Representative Rayburn assumed the duties of the Speaker.

Introductions

Representative Cottengim moved the adoption of **HR 110.** Adopted.

HR 110, by Representative Cottengim, A RESOLUTION extending to the Honorable Addison L. Everett the condolences of the House of Representatives of the General Assembly upon the passing of his wife, Madge.

WHEREAS, God in his infinite wisdom has seen fit to terminate the earthly sojourn of Mrs. Madge Everett, wife of Addison L. Everett a member of this body;

WHEREAS, affairs of state have made it necessary that the said Addison L. Everett perform his duties as a representative of the people of this great Commonwealth during the long period of his wife's last illness;

WHEREAS, despite the burden which he has borne the said Addison L. Everett has performed his duty to the people in an efficient and statesmanlike manner; and

WHEREAS, the members of the House of Representatives have noted with deep regret her passing and wish to be recorded as expressing to the said Addison L. Everett their sincere and abiding sympathy;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the House of Representatives of the Commonwealth of Kentucky does hereby express to the honorable Addison L. Everett its deepest sympathy upon the death of his wife, Madge Everett.

Section 2. That the House of Representatives when it does adjourn on Monday, March 10, 1958, do so in memory of the late Madge Everett and as an expression of the respect and esteem in which it holds the said Addison L. Everett, Majority Floor Leader.

Motions

Representative Weintraub moved that the rules be suspended and that **HB 73** be taken from the Clerk's desk and placed on passage. Agreed.

Representative Weintraub moved to amend **HB 73** as follows:

Amend printed copy of **HB 73** on page 1, section 1, line 10 by striking the period after the word "traveled" and adding after said word "traveled" the phrase: ", which sum shall include depreciation and investment charges incident to the operation of the motor vehicle."

Adopted.

Representative Weintraub moved the Previous Question. Agreed.

On roll call, the vote was: Yeas, 84—Anderson, Arnold, Bach, Bartley, Barton, Billington, Breckinridge, Buchanan, Buckner, Burke, Burress, Bush, Casey, Chaudoin, Clore, Coffey, Combs, M. W. Cook, Bill Cornett, P. W. Cornett, Cottengim, Crecelius, P. F. Davis, W. F. Davis, Dempsey, Duff, Farmer, Fields, Finney, Fitzpatrick, Ford, Greene, Gullette, Hahn, Hale, Haley, Hall, Hart, Henry, Hinkle, Hislope, Hodges, Hopkins, Howard, Huddleston, Isler, H. N. Johnson, Kincer, Kingsbury, Kubale, Lowman, Lyon, McGuire, McReynolds, Mackey, Moore, Newberry, Nunn, Ockerman, Peace, Qualls, Ratcliffe, Rausch, Ray, Raybourne, Rayburn, Reed, Render, C. R. Reynolds, R. Reynolds, Searcy, Smith, Sowards, Steiger, Stith, Tinsley, S. R. Thomas, Walsh, Wathen, Wells, Whitehead, Willen, Wirsch, Young; Nays, 0.

HB 73 was passed and the title agreed to.

Representative Weintraub moved that the vote by which **HB 73** was passed be reconsidered and said motion laid on the table. Agreed.

Senate Message

Senate message announcing passage of **SB 242**, **SB 244**, **SR 71**, **HB 112**.

Orders of the Day

Representative Wathen moved that **HB 129** be taken from the Clerk's desk and placed on passage. Agreed.

Representative Wathen moved to amend **HB 129** as follows:

Amend printed copy of **HB 129** on page 1, section 1, line 7 by deleting the comma between the word "Surveyor" and the word "and"

Adopted.

Representative Wathen moved the Previous Question. Agreed.

On roll call, the vote was: Yeas, 67—Anderson, Arnold, Bach, Bartley, Barton, Billington, Buckner, Burke, Burress, Bush, Casey, Chaudoin, Clore, Coffey, Combs, E. E. Cook, M. W. Cook, Cottengim, Crecelius, P. F. Davis, W. F. Davis, Farmer, Fields, Finney, Fitzpatrick, Greene, Gullette, Hahn, Haley, Hart, Hinkle, Hodges, Hopkins, Huddleston, Isler, H. N. Johnson, Kingsbury, Kubale, Lowman, Lyon, McGuire, McReynolds, Mackey, Newberry, Nunn, Ockerman, Peace, Ratcliffe, Ray, Raybourne, Reed, R. Reynolds, Searcy, Steiger, Stith, Tinsley, Ed Thomas, S. R. Thomas, Walsh, Wathen, Weintraub, Wells, Willen, Williams, Wilson, Wirsch, Young; Nays, 14—Brown, Buchanan, Bill Cornett, P. W. Cornett, Dempsey, Duff, Hale, Hall, Henry, Howard, C. R. Reynolds, Smith, Sowards, Tanner.

HB 129 was passed as amended and the title agreed to.

Speaker Weintraub resumed the Chair to hear report on enrolled bills.

Report on Enrolled Bills

The Committee on Enrollment reported **HB 72, HB 83, HB 140, HB 270** had been examined and found correctly enrolled. Said bills read at length, compared, and signed in open session by the Speaker. Ordered that the original and enrolled copies be delivered to the Senate.

Said bills delivered, signed by the President of the Senate. Ordered delivered to the Governor.

Representative Rayburn then resumed the Chair.

Introductions

Representative Duff moved the adoption of **HR 109.** Adopted.

HR 109, by Representative Duff, A CONCURRENT RESOLUTION authorizing the Governor to designate Youth Honor Day.

WHEREAS, the vast majority of the youth of this state are law abiding citizens who have displayed high standards of character, integrity and patriotism and have distinguished themselves by their readiness to defend and uphold the principles upon which this Nation is founded;

WHEREAS, despite these commendable and landatory achievements, a small minority of juveniles, who have been derelict and delinquent, have caused unwarranted public criticism on the youth as a whole to the detriment of those who are the least deserving of criticism;

WHEREAS, it appears that the misdeed of the few should not be allowed to obscure the accomplishments of the many; and

WHEREAS, it appears that the characteristics of solid citizenship displayed by the overwhelming majority of the youth of the Commonwealth should be awarded appropriate recognition not only as a means of bestowing well deserved honor upon them but, also making it known that unsavory exploits and despicable conduct are confined to a small minority of malcontents and ne'er-do-wells.

NOW, THEREFORE,

Be it resolved by the House of Representatives, the Senate concurring therein:

That the Governor be and is hereby authorized and requested to issue a proclamation designating October 31 of each year as Youth Honor Day, inviting the people of Kentucky to observe the day with appropriate ceremonies.

Report of the Rules Committee

The Rules Committee reported **HB 376, HB 411, HB 403, HB 439, HB 225, HB 504, HB 354, HB 605, HB 30, HB 343,** with Committee Amendment, **HB 491, HB 438, HB 467, HB 257, HB 560** with Committee Amendment, **HB 601, HB 394, HB 330, HB 576, HB 435, HB 496, HB 315, HB 554, HB 575, HB 495, HB 478, HB 494, HB 536** with Committee Amendment, **HB 590, HB 314, HB 237, HB 194, HB 563, HB 408, HB 506, HB 405, HB 604, HB 570, HB 431, HB 571, HB 487, HB 291, HB 374** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 376, AN ACT relating to liability insurance.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 67.180 of the Kentucky Revised Statutes is amended to read as follows:

(1) The fiscal court of each county shall, for the protection of the public and its employes, appropriate county funds to purchase policies of insurance of all kinds deemed advisable, covering vehicles operated by the county and compensation insurance covering employes of the county receiving injuries arising out of and in the course of employment.

(2) Suits instituted on such policies may be maintained against the county only for the purpose of obtaining a judgment which when final shall measure the liability of the insurance carrier to the injured party for whose benefit the insurance policy was issued, but not to be enforced or collectible against the county or fiscal court, or the members thereof.

HB 411, AN ACT relating to juvenile court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

For the purposes of the motor vehicle operator licensing provisions of Chapter 186 of the Kentucky Revised Statutes and regulations of the Department of Public Safety promulgated thereunder, a finding by the juvenile court that a child has committed an offense involving the operation of a motor vehicle shall be considered a conviction of that offense. The court shall make the records of the proceedings available to the Department of Public Safety in the same manner as records of other courts.

HB 403, AN ACT relating to wills.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of the Kentucky Revised Statutes is created to read as follows:

A testator may offer his will for probate prior to his death. All interested parties to the probating of the will shall be given the opportunity to participate in or contest the probating of the will. After a full and complete hearing, the court shall issue a decree either allowing or disallowing the probate of the will or parts thereof, and all interested parties shall be bound by the decree.

Section 2. Section 394.140 of the Kentucky Revised Statutes is amended to read as follows:

Wills shall be proved before, and admitted to record by, the county court of the testator's residence; if he has or had no place of residence in this state, and land is devised, then in the county where the land or part thereof lies; if no land is devised, then in the county where he is presently living, or in the county where he died, or where his estate or part thereof is, or where there is a debt or demand owing to him.

Section 3. Section 394.145 of the Kentucky Revised Statutes is amended to read as follows:

When any will is offered for probate, the court shall require a verified application to be filed by the person offering the same. Such application shall state the residence of the testator at the time the will is offered for probate, if offered during testator's lifetime, or testator's residence at the time of his death, if offered after his death, and such other facts as may be necessary to establish the jurisdiction of the court, and the names, ages, and post office addresses of the testator's surviving spouse and heirs at law, or such as are known. An application for probate and for appointment as executor or administrator with the will annexed may be combined in one application.

HB 439, AN ACT relating to dealers in used merchandise.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Any person, firm or corporation who is engaged in the business of buying or trading for any used automotive parts, firearms, radio or television sets or parts thereof, electric irons, toasters, grills, fans, or other electrical appliances, or other portable business or household equipment shall keep a record of all such items bought or received in trade. The serial numbers, if there be one, shall be recorded, as well as the calibre and description of each firearm and the name on each hub cap or other article with a name, if there be one. On items without serial numbers or names, the article shall be described as nearly as possible. The seller shall identify himself, and sign a statement that he is the owner of the property, and the dealer shall retain such statements. A record of all transactions herein described shall be kept, and shall be open for inspection by city or county peace officers and the state police at any time.

Section 2. Any person who violates any of the provisions of this Act shall be fined not more than five hundred dollars, or imprisoned not more than six months, or both.

HB 225, AN ACT relating to motor vehicle operation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Persons sixteen years but less than seventeen years of age, shall, upon performance of all conditions requisite to issuance of an operator's license be issued a temporary permit, entitling the applicant to drive a motor vehicle upon the highways while accompanied by a licensed operator who is actually occupying a seat beside the applicant. Upon reaching the age of seventeen years, the person shall be eligible to be issued a regular operator's license.

Section 2. Section 186.440 of the Kentucky Revised Statutes is amended to read as follows:

An operator's license shall not be granted to:

(1) Any person under the age of seventeen years.

(2) Any person whose operator's license has been suspended, during the period of suspension.

(3) Any person whose operator's license has been revoked, nor to any nonresident whose privilege of exemption under KRS 186.430 has been refused or discontinued, until the expiration of one year after the license was revoked or the privilege refused or discontinued.

(4) An habitual drunkard or drug addict.

(5) Any applicant who has previously been adjudged insane or an idiot, imbecile, epileptic or feeble-minded, and who has not at the time of application been restored to competency by judicial decree or released from a hospital for the insane or feeble-minded with a

certificate of the superintendent that the applicant is competent. The Department of State Police shall determine by examination that the person is competent to operate a motor vehicle with safety to persons and property.

(6) Any person who in the opinion of the Department of State Police, after examination, is afflicted with such physical or mental disability as prevents him from exercising reasonable and ordinary control over a motor vehicle upon the highways.

(7) Any person who is unable to understand highway warnings or direction signs in the English language.

(8) Any person required by KRS 186.480 to take an examination who has not successfully passed the examination.

(9) Any person required by Chapter 187 to deposit proof of financial responsibility, who has not deposited that proof.

(10) Any person who has not filed a correct and complete application signed in the presence of a person authorized to administer oaths.

HB 504, AN ACT relating to traffic signals.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

All traffic signal lights shall be placed in a uniform manner upon every street and highway within the Commonwealth. The Department of Public Safety shall, after making an investigation, determine the best location for such traffic lights, which recommendation shall be followed by all persons responsible for placing traffic lights upon the streets and highways of the Commonwealth.

HB 354, AN ACT relating to liability insurance for state motor vehicle operators.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) The Department of Finance shall procure liability insurance for all employes of the Commonwealth or agencies thereof whose duty it is to operate publicly owned motor vehicles. The policy shall cover employes while on duty for the Commonwealth, and in actual control or operation of a vehicle owned by the Commonwealth or an agency thereof. Such policy shall be issued by an approved company licensed to do business in the state, and the premiums thereon shall be paid by the Commonwealth or the agency owning the motor vehicle.

(2) Suits instituted on such policies may be maintained against the Commonwealth only for the purpose of obtaining a judgment which when final shall measure the liability of the insurance carrier to the injured party for whose benefit the insurance policy was is-

sued, but not to be enforced or collectible against the Commonwealth, or the Department of Finance.

HB 605, AN ACT relating to public lakes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) The Department of Highways is authorized to construct fills, made necessary by road construction, so that such will impound water.

(2) The Department of Fish and Wildlife and the Department of Highways shall decide whether the creation of a lake in any one particular spot is deemed reasonable and beneficial. The Department of Fish and Wildlife shall do everything necessary to insure good fishing and may regulate boating and other recreational interest so that there may be the least amount of interference.

(3) The Department of Fish and Wildlife may, if the site is suitable, assist the local party or parties in obtaining deeds or easements where necessary. Interested local parties may obtain title to excess land required and deed it to the Commonwealth for creation of a public fishing lake. A parking lot at or near the fill may be created on land deeded free of charge to the Commonwealth.

(4) Surrounding land owners may by permission irrigate from said lake providing that there is no adverse affect on the lake itself.

(5) Parking shall be regulated to prevent obstruction of the highway.

HB 30, AN ACT relating to the expenditure of county roads funds on city streets.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The fiscal court of each county may expend monies from the county road fund for the construction, maintenance, repair and improvement of city streets or portions thereof, including viaducts and bridges, in any city located in the county.

HB 343, AN ACT relating to the practice of medicine.

WHEREAS it is the public policy of this state that, because of the close personal relationship between a patient and his or her physician, every person should be free from unreasonable restraints in the choice of his physician, and

WHEREAS it appears to the General Assembly that when any person is a beneficiary of any medical service plan (whether financed entirely by said beneficiary, or partly by the beneficiary and partly by his employer, or entirely by his employer, or otherwise):

(a) He should not be required, as a condition to the receipt of medical benefits under said plan, to waive his right to select his physician and to accept a physician selected by said plan or by any person other than himself, and

(b) Such a requirement or condition constitutes an unreasonable restraint upon such person's right to choose his personal physician,

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act only, unless the context requires otherwise:

(1) "Medical service plan" means any plan or arrangement whereby one person provides or defrays any part of the cost of medical service to any other person.

(2) "Medical service" means any professional service in the field of medicine, osteopathy or dentistry which is performed by a licensed physician or dentist in this state.

(3) "Person" means any natural person or persons, or any partnership, association, corporation, cooperative, trust, or other legal entity, or any officer, agent, or instrumentality of any of the foregoing.

(4) "Beneficiary" means any person who in any manner receives or is entitled to receive medical service, or any part of the cost thereof, under any medical service plan in this state.

(5) "Physician," for the purposes of this Act only, means any person licensed to practice medicine, osteopathy or dentistry in this state.

Section 2. No person operating a medical service plan in this state shall demand or require, as a condition precedent to the receipt of such medical service or any part of the cost thereof, that any beneficiary waive or otherwise surrender his right to select the physician who shall perform a medical service for him or any member of his family. Every person operating a medical service plan in this state shall afford to every beneficiary thereof, the right to select the physician who shall perform such medical service.

Section 3. Every contract, agreement, or other arrangement the effect of which would deny any beneficiary under any medical service plan in this state his right to choose the physician who will perform a medical service for him or any member of his family, or impose as a condition to the receipt of said service or any part of the cost thereof that said beneficiary waive his said right, is hereby declared to be contrary to public policy and wholly void.

Section 4. Nothing contained in this Act shall prevent any person operating a medical service plan in this state from prescribing the fee which such plan will pay for a specific medical service. Provided, however, that no such person shall discriminate between qualified physicians, in payments made for like or substantially similar services.

Section 5. Nothing contained in this Act shall prevent any employer from providing the services of a physician for employment physical examination or first aid treatment at such employer's factory or other place of business, or require said employe to pay the value of the services of such physician to any employe who elects not to avail himself of such services.

Section 6. Every person found guilty of violating Section 2 of this Act or of conspiring to do so, or of aiding or abetting another to do so, shall be fined not less than $100 nor more than $1,000, or confined in the county jail for not less than 30 days nor more than 180 days, or both.

Section 7. Any person operating a medical service plan in violation of this Act and any person aiding or abetting any such person in the violation of this Act may be enjoined from doing so by any court of competent jurisdiction in this state, upon the complaint of any beneficiary of such plan, or the Commonwealth.

Section 8. If any person convicted of violation of this Act is licensed to practice medicine, osteopathy or dentistry in this state, such conviction shall constitute sufficient grounds for the revocation of his license. If such convicted person is an officer or agent of a licensed hospital in this state, and the proof shows that such officer's or agent's acts were committed with the knowledge and consent, express or implied, or such hospital's governing body, such conviction shall be sufficient grounds for the revocation of said hospital's license.

Section 9. Every beneficiary of a medical service plan in this state shall be entitled, upon demand, to receive the medical service or benefit provided by such plan, free of any unlawful restraint or limitation upon his right to select the physician who shall render such service. If any person operating or administering a medical service plan in this state shall, fifteen days or more after proper demand has been made upon him, fail or refuse to provide such service or pay over such benefit to any beneficiary, except upon some condition declared unlawful by this Act, such beneficiary shall have a cause of action against the plan and the person operating or administering the same for damages in a sum equal to twice the value of the service or benefit to which he was entitled.

Section 10. Every person operating a medical service plan in this state shall, on or before June 30 of each year, file with the Secretary of State, a designation of a process agent having an office in this state and upon whom service of process may be had by any one having a claim against said plan. The Secretary of State shall be entitled to a fee of $3.00 for filing this designation. Failure to file said designation shall constitute a misdemeanor and shall be punishable by a fine of not less than $10 nor more than $1,000 for each day the violation continues, at the discretion of the court.

Section 11. The provisions of this Act shall have no effect on any Medical Service Plan Corporation organized under the provisions of KRS Chapter 273.

Amend printed copy of **HB 343** on page 2, section 1, line 7 by adding after the word "osteopathy" the word "chiropractic" also in line 8 after the word "physician" the word "chiropractor" also in line 17 after the word "osteopathy" the word "chiropractic" also on page 4, section 8, line 2 after the word "osteopathy" add the word "chiropractic"

HB 491, AN ACT relating to insurance companies.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

No member of the board of directors of a domestic life insurance company authorized to do business by the laws of Kentucky shall be related either by affinity or consanguinity to the president, vice president, treasurer or secretary by any relationship closer than the third degree.

HB 438, AN ACT establishing the Continuing Committee on Governmental Affairs, providing for its operation and declaring an emergency.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. (1) There is hereby created a Continuing Committee on Governmental Affairs which shall consist of nine members, six of whom shall be elected by the House of Representatives from its membership, four from the majority and two from the minority party, and three of whom shall be elected by the Senate from its membership, two from the majority and one from the minority party, respectively. Committee members shall be elected upon the adoption and approval of this Act, and shall serve until their terms as members of the General Assembly shall expire, or until their successors are elected.

(2) If a member ceases to be a member of the General Assembly, a vacancy on the Committee shall be deemd to exist, and any such vacancy, or any vacancy otherwise occurring, shall be filled by appointment made by the remaining members of the Committee, from the membership of the same house of the General Assembly, and from the same party, as was the member whose position became vacant.

(3) The Committee shall choose a chairman from its membership annually.

Section 2. (1) It shall be the duty of the Committee to conduct a continuing survey and analysis of state governmental operations with reference to the various programs, activities and functions of the Commonwealth's boards, commissions, departments and agencies, their organization and operating practices and procedures, the efficiency of personnel procurement, promotion and dismissal practices and procedures and of unnecessary expenditures, and to the promotion of economy and efficiency in the administration of state government.

The Committee shall pay particular attention to the development and evaluation of the long term capital outlay requirements of the Commonwealth, its constitutional and statutory departments and agencies, and the relation thereto of current operating programs, events and activities.

Section 3. (1) The Committee shall have access to all records of every agency, division or department of state government, and of any agency or institution, public or private, which has been the recipient of state funds.

(2) The Committee may require information on oath of any person upon any matter under investigation by the Committee, and shall have the power to subpoena witnesses and records, books, papers, photographs and other documentary evidence.

(3) If any person fails or refuses to testify or furnish documentary evidence concerning any matter with respect to which the Committee requests information pertaining to the investigation in which it is engaged, the appropriate Circuit Court, on application of the Committee, may compel obedience by proceedings for contempt as in the case of disobedience of a subpoena issued from the circuit court for a refusal to testify therein.

(4) Every witness subpoenaed under this section shall receive for his attendance the fee and mileage provided for witnesses in civil cases in circuit courts, which shall be audited and paid upon the presentation of proper vouchers sworn to by the witness and approved by the Committee.

(5) Each member of the Committee may administer oaths.

Section 4. (1) All state agencies and institutions shall cooperate with the Committee to effectuate the purposes of this Act and shall submit copies of their periodic reports to the Committee unless otherwise directed.

(2) Every state agency, department or institution which submits budget estimates and requests to the Department of Finance, under KRS 45.070, or which is engaged in the conduct of capital outlay planning, shall at the same time submit duplicate copies to the Continuing Committee on Governmental Affairs.

Section 5. (1) The Committee shall appoint a secretary who may not be a member of the Committee, and who shall hold office at the pleasure of, and receive a salary determined by, the Committee. The Committee may employ such other personnel, including professional, technical and clerical personnel, as it may deem necessary to effectuate the purposes of this Act. The Committee shall have exclusive jurisdiction over the employment of such personnel, but classification of such personnel shall be as provided in KRS Chapter 18.

(2) The Attorney General shall, on request of the Committee, furnish legal assistance in connection with matters within the purview of the Committee, but the Committee may employ attorneys of its own choosing.

Section 6. The Committee shall hold monthly meetings at the Capitol, or at such other place as the Committee may direct, or shall meet on call of the chairman or any three members of the Committee. A majority of the Committee members shall constitute a quorum, but a lesser number may conduct such Committee business, including hearings and investigations, as may be authorized by a majority of the Committee, present and voting.

Section 7. (1) The Committee shall render quarterly reports, which reports shall, *inter alia,* describe the activities of the Committee during the preceding quarter, its findings of fact and conclusions in connection therewith, and such recommendations concerning governmental operations as may be indicated (including minority reports), which reports shall be mailed to each member of the General Assembly and made available forthwith to the public. The Committee shall also prepare biennial reports on the same basis, which reports shall be mailed to each member of the General Assembly not later than November 15, preceding the convening of the January General Assembly, and forthwith made available to the public.

(2) Such legislation as the Committee may propose for the consideration of the General Assembly shall, on request, be prepared by the Legislative Research Commission and copies thereof shall immediately be made available to the public.

Section 8. For meetings of the Committee other than those held during the time the General Assembly is in session, each member of the Committee shall receive his actual travel and subsistence expenses, and shall receive compensation at the rate of $35.00 per day, for each day in attendance at such meetings, hearings or investigations.

Section 9. To carry out the purposes of this Act there is appropriated to the Continuing Committee on Governmental Affairs out of the general expenditure fund in the state treasury the sum of $100,000.00 per year for each of the fiscal years 1958-59 and 1959-60. However, the compensation and expenses of members of the Committee or employed personnel attributable to the study, examination or investigation of a particular state department or agency shall be charged to and paid out of the appropriation of that department or agency, when certified to the Department of Finance by the Committee. Authorized expenses and expenditures of the Committee may be paid out of the appropriation on vouchers approved by the chairman of the Committee.

Section 10. Whereas the powers conferred herein are necessary to provide the General Assembly of Kentucky with information necessary to the exercise of its proper functions, an emergency is declared to exist, and this Act shall become effective from and after its passage and approval.

HB 467, AN ACT relating to motor vehicle traffic regulation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. (1) The county court of each county shall establish a traffic school, for the purpose of instructing motor vehicle operators in the motor vehicle traffic laws of the Commonwealth, and the methods of complying with the laws. Courses of instruction shall be designed to last not less than one week nor more than three months, on a basis of three nights' attendance each week. The school may be established in cooperation with any police department in the county.

(2) Any court convicting a person of violation of any of the provisions of KRS 189.290 to 189.370 or KRS 189.380 to 189.470 may require the person to attend the school established in subsection (1), either instead of or in addition to sentencing him to the penalties imposed by KRS 189.990. A person required to attend traffic school shall file a bond with sufficient sureties, not less than five hundred dollars nor more than one thousand dollars, conditioned on his attendance at the school.

HB 257, AN ACT relating to real property.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

A new section of Chapter 382 of the Kentucky Revised Statutes is created to read as follows:

When real property is conveyed, or when there exists an executory contract for the sale of such realty, the grantor shall retain a lien on the realty to the extent of the unpaid purchase price, and the grantee shall be afforded a lien on the realty to the extent of the amount actually paid toward the full purchase price.

HB 560, AN ACT relating to circuit courts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 23.040 of the Kentucky Revised Statutes is amended to read as follows:

The Commonwealth is divided into the following forty-seven circuit districts in the following manner:

(1) First District: Ballard, Carlisle, Fulton, Graves and Hickman counties;

(2) Second District: McCracken County;

(3) Third District: Christian, Lyon and Trigg counties;

(4) Fourth District: Caldwell, Crittenden and Hopkins counties;

(5) Fifth District: Henderson, Union and Webster counties;

(6) Sixth District: Daviess County;

(7) Seventh District: Logan and Todd counties;

(8) Eighth District: Allen and Simpson counties;

(9) Ninth District: Hardin County;

(10) Tenth District: Bullitt, Hart, Larue and Nelson counties;

(11) Eleventh District: Green, Marion, Taylor and Washington counties;

(12) Twelfth District: Anderson, Henry, Oldham, Shelby, Spencer and Trimble counties;

(13) Thirteenth District: Boyle, Garrard, Lincoln and Mercer counties;

(14) Fourteenth District: Bourbon, Franklin, Scott and Woodford counties;

(15) Fifteenth District: Boone, Carroll, Gallatin, Grant and Owen counties;

(16) Sixteenth District: Kenton County;

(17) Seventeenth District: Campbell County;

(18) Eighteenth District: Harrison, Nicholas, Pendleton and Robertson counties;

(19) Nineteenth District: Bracken, Fleming and Mason counties;

(20) Twentieth District: Greenup and Lewis counties;

(21) Twenty-first District: Bath, Menifee, Montgomery and Rowan counties;

(22) Twenty-second District: Fayette County;

(23) Twenty-third District: Estill, Lee and Owsley counties.

(24) Twenty-fourth District: Lawrence, Johnson and Martin counties;

(25) Twenty-fifth District: Clark, Jessamine and Madison counties;

(26) Twenty-sixth District: Harlan County;

(27) Twenty-seventh District: Knox and Laurel counties;

(28) Twenty-eighth District: Pulaski and Rockcastle counties;

(29) Twenty-ninth District: Adair, Casey, Cumberland and Monroe counties;

(30) Thirtieth District: Jefferson County;

(31) Thirty-first District: Floyd County;

(32) Thirty-second District: Boyd County;

(33) Thirty-third District: Letcher and Perry counties;

(34) Thirty-fourth District: Whitley and McCreary counties;

(35) Thirty-fifth District: Pike County;

(36) Thirty-sixth District: Magoffin and Knott counties;

(37) Thirty-seventh District: Carter, Elliott and Morgan counties;

(38) Thirty-eighth District: Butler, Edmonson, Ohio and Hancock counties;

(39) Thirty-ninth District: Breathitt, Wolfe and Powell counties;

(40) Fortieth District: Clinton, Russell and Wayne counties;

(41) Forty-first District: Clay, Jackson and Leslie counties;

(42) Forty-second District: Calloway, Livingston and Marshall counties;

(43) Forty-third District: Barren and Metcalfe counties;

(44) Forty-fourth District: Bell County;

(45) Forty-fifth District: Muhlenberg and McLean counties;

(46) Forty-sixth District: Breckinridge, Grayson and Meade counties;

(47) Forty-seventh District: Warren county.

Section 2. The regular term of each circuit court in the First District shall commence in the following places at the following times and continue, if the business requires it, the following number of days:

(1) Ballard County, at Wickliffe, on the first Monday in January and the third Monday in April, twelve juridical days each; on the fourth Monday in August, eighteen juridical days;

(2) Carlisle County, at Bardwell, on the third Monday in February, the first Monday in June and the first Monday in November, twelve juridical days each;

(3) Fulton County, at Hickman, on the third Monday in January, twelve juridical days; on the second Monday in April, six juridical days; on the first Monday in May, twelve juridical days; on the third Monday in September, eighteen juridical days;

(4) Graves County, at Mayfield, on the first Monday in March, thirty juridical days; on the third Monday in June, eighteen juridical days; on the third Monday in November, thirty-six juridical days;

(5) Hickman County, at Clinton, on the first Monday in February and the third Monday in May, twelve juridical days each; on the second Monday in October, eighteen juridical days.

Section 3. McCracken County circuit court, at Paducah, shall be in continuous session.

Section 4. The regular term of each circuit court in the Third District shall commence in the following places at the following times, and continue, if the business requires it, the following number of days.

(1) Christian County, at Hopkinsville, on the second Monday in February, thirty-six juridical days; on the first Monday in June, twenty-four juridical days; on the third Monday in September, thirty-six juridical days;

(2) Lyon County, at Eddyville, on the first Monday in May, third Monday in August and first Monday in December, twelve juridical days each;

(3) Trigg County, at Cadiz on the fourth Monday in January, the third Monday in May and first Monday in September, twelve juridical days each.

Section 5. The regular term of each circuit court in the Fourth District shall commence in the following places at the following times:

(1) Caldwell County, at Princeton, on the first Monday in March, twelve juridical days; on the first Monday in June and fourth Monday in October, eighteen juridical days each;

(2) Crittenden County, at Marion, on the third Monday in March and fourth Monday in June, eighteen juridical days each; on the third Monday in November, twelve juridical days;

(3) Hopkins County, at Madisonville, on the first Monday in February, first Monday in May and fourth Monday in September, twenty-four juridical days each.

Section 6. The regular term of each circuit court in the Fifth District shall commence in the following places at the following times, and continue, if the business requires it, the following number of days:

(1) Henderson County, at Henderson, on the first Monday in January and the third Monday in February, twenty-four juridical days each; on the first Monday in May and the second Monday in June, eighteen juridical days each; on the third Monday in September, twenty-four juridical days; on the first Monday in November, twelve juridical days;

(2) Union County, at Morganfield, on the first Monday in February, the third Monday in March, the fourth Monday in May, the first Monday in September, the third Monday in October and the third Monday in November, twelve juridical days each;

(3) Webster County, at Dixon, on the first Monday in April, July and December, twenty-four juridical days each.

Section 7. Daviess County circuit court, at Owensboro, shall be in continuous session.

Section 8. The regular term of each circuit court in the Seventh District shall commence in the following places at the following times, and continue, if the business requires it, the following number of days:

(1) Logan County, at Russellville, on the first Monday in February, the first Monday in May and the first Monday in September, twenty-four juridical days each;

(2) Todd County, at Elkton, on the fourth Monday in March, eighteen juridical days; on the first Monday in July, twenty-four juridical days; on the first Monday in December, eighteen juridical days.

Section 9. The regular term of each circuit court in the Eighth District shall commence in the following places at the following times, and continue, if the business requires it, the following number of days:

(1) Allen County, at Scottsville, on the fourth Monday of January, on the fourth Monday of April and on the fourth Monday in September, eighteen juridical days each;

(2) Todd County, at Elkton, on the fourth Monday in March, eighteen juridical days; on the first Monday in July, twenty-four juridical days; on the second Monday in November, eighteen juridical days; third Monday in May, thirty-six juridical days; on the first Monday in September, eighteen juridical days; on the third Monday in October, thirty-six juridical days.

Section 10. Hardin County circuit court, at Elizabethtown, shall be in continuous session.

Section 11. The regular term of each circuit court in the Tenth District shall commence in the following places at the following times, and continue, if the business requires it, the following number of days:

(1) Hart County, at Munfordville, on the first Monday in September and the first Monday in January, eighteen juridical days each; and on the first Monday in April, twelve juridical days;

(2) Larue County, at Hodgenville, on the fourth Monday in April, the first Monday in October and the first Monday in February, twelve juridical days each;

(3) Nelson County, at Bardstown, on the second Monday in May and the fourth Monday in October, eighteen juridical days each; and on the third Monday in February, twelve juridical days;

(4) Bullitt County, at Shepherdsville, on the fourth Monday in November and the first Monday in March, twelve juridical days each; and on the fourth Monday in June, eighteen juridical days.

Section 12. The regular term of each circuit court in the Eleventh District shall commence in the following places at the following times, and continue, if the business requires it, the following number of days:

(1) Green County, at Greensburg, on the third Monday in March, twelve juridical days; on the third Monday in June and November, eighteen juridical days each;

(2) Marion County, at Lebanon, on the fourth Monday in January, April and September, twenty-four juridical days each;

(3) Taylor County, at Campbellsville, on the first Monday in January, April and September, eighteen juridical days each;

(4) Washington County, at Springfield, on the fourth Monday in February, May and October, eighteen juridical days each.

Section 13. The regular term of each circuit court in the Twelfth District shall commence in the following places at the following times, and continue, if the business requires it, the following number of days:

(1) Anderson County, at Lawrenceburg, on the second Monday in March, the third Monday in June and the fourth Monday in November, twelve juridical days each;

(2) Henry County, at Newcastle, on the third Monday in January, the third Monday in April and the third Monday in September, twelve juridical days each;

(3) Oldham County, at LaGrange, on the fourth Monday in February, the fourth Monday in May and the fourth Monday in October, twelve juridical days each;

(4) Shelby County, at Shelbyville, on the first Monday in February, the first Monday in May and the first Monday in October, eighteen juridical days each;

(5) Spencer County, at Taylorsville, on the fourth Monday in March, twelve juridical days; on the second Monday in June, six juridical days; on the second Monday in November, twelve juridical days;

(6) Trimble County, at Bedford, on the second Monday in January, the second Monday in April, and the second Monday in September, six juridical days each.

Section 14. The regular term of each circuit court in the Thirteenth District shall commence in the following places at the following times, and continue, if the business requires it, the following number of days:

(1) Boyle County, at Danville, on the first Monday in January, the second Monday in April and the second Monday in September, eighteen juridical days each;

(2) Garrard County, at Lancaster, on the second Monday in March and the fourth Monday in November, eighteen juridical days each; on the fourth Monday in July, twelve juridical days;

(3) Lincoln County, at Stanford, on the third Monday in February, twelve juridical days; on the fourth Monday in May and the first Monday in November, eighteen juridical days each;

(4) Mercer County, at Harrodsburg, on the fourth Monday in January and the first Monday in May, eighteen juridical days each; on the first Monday in October, twenty-four juridical days.

Section 15. The regular term of each circuit court in the Fourteenth District shall commence in the following places at the following times, and continue, if the business requires it, the following number of days:

(1) Bourbon County, at Paris, on the second Monday in March and November, eighteen juridical days each; on the third Monday in June, twelve juridical days;

(2) Franklin County, at Frankfort, on the first Monday in January, twenty-four juridical days; on the first Monday in April, thirty juridical days; on the first Monday in September, twenty-four juridical days;

(3) Scott County, at Georgetown, on the first Monday in February and October, and the fourth Monday in May, eighteen juridical days each;

(4) Woodford County, at Versailles, on the fourth Monday in February and October, and the second Monday in May, twelve juridical days each.

Section 16. The regular term of each circuit court in the Fifteenth District shall commence in the following places at the following times, and continue, if the business requires it, the following number of days:

(1) Boone County, at Burlington, on the second Monday in April, August and December, twelve juridical days each;

(2) Carroll County, at Carrollton, on the fourth Monday in April, August and November, twelve juridical days each;

(3) Gallatin County, at Warsaw, on the third Monday in March and third Monday in June, twelve juridical days each; on the third Monday in November, six juridical days;

(4) Grant County, at Williamstown, on the first Monday in February and October, eighteen juridical days each; on the first Monday in July, twelve juridical days;

(5) Owen County, at Owenton, on the first Tuesday after the fourth Monday in February and October, seventeen juridical days each; on the third Monday in July, eighteen juridical days.

Section 17. Kenton County circuit court, at Covington, shall be in continuous session.

Section 18. Campbell County circuit court, at Newport, shall be in continuous session.

Section 19. The regular term of each circuit court in the Eighteenth District shall commence in the following places at the following times, and continue, if the business requires it, the following number of days:

(1) Harrison County, at Cynthiana, on the fourth Monday in February and May, and the third Monday in October, twenty-four juridical days each;

(2) Nicholas County, at Carlisle, on the first Monday in February and May, and the fourth Monday in September, eighteen juridical days each;

(3) Pendleton County, at Falmouth, on the second Monday in January and April, and the first Monday in September, eighteen juridical days each;

(4) Robertson County, at Mt. Olivet, on the fourth Monday in March, and the third Monday in August and November, twelve juridical days each.

Section 20. The regular term of each circuit court in the Nineteenth District shall commence in the following places at the following times, and continue, if the business requires it, the following number of days:

(1) Bracken County, at Brooksville, on the second Monday in November, the first Monday in March and the second Monday in June, eighteen juridical days each;

(2) Fleming County, at Flemingsburg, on the third Monday in October and the third Monday in January, eighteen juridical days each; on the second Monday in May, twenty-four juridical days;

(3) Mason County, at Maysville, on the first Monday in September, the first Monday in December and the fourth Monday in March, thirty-six juridical days each.

Section 21. The regular term of each circuit court in the Twentieth District shall commence in the following places at the following times, and continue, if the business requires it, the following number of days:

(1) Greenup County, at Greenup, on the second Monday in January, the second Monday in March and the first Monday in May, eighteen juridical days each; on the first Monday in July, twelve juridical days; on the first Monday in September, eighteen juridical days; on the third Monday in November, twenty-four juridical days;

(2) Lewis County, at Vanceburg, on the second Monday in February and the first Monday in June, eighteen juridical days each; on the first Monday in October, twenty-four juridical days.

Section 22. The regular term of each circuit court in the Twenty-first District shall commence in the following places at the following times, and continue, if the business requires it, the following number of days:

(1) Bath County, at Owingsville, on the fourth Monday in February, twelve juridical days; first Monday in May, twelve juridical days; fourth Monday in October, eighteen juridical days;

(2) Menifee County, at Frenchburg, on the first Monday in April, twelve juridical days; first Monday in June, twelve juridical days; second Monday in December, twelve juridical days;

(3) Montgomery County, at Mt. Sterling, on the first Monday in February, eighteen juridical days; third Monday in April, twelve juridical days; third Monday in September, twenty-four juridical days;

(4) Rowan County, at Morehead, on the second Monday in March, eighteen juridical days; third Monday in May, twelve juridical days; third Monday in November, eighteen juridical days.

Section 23. Fayette County circuit court, at Lexington, shall be in continuous session.

Section 24. The regular term of each circuit court in the Twenty-third District shall commence in the following places at the following times, and continue, if the business requires it, the following number of days:

(1) Estill County, at Irvine, on the first Monday in January, fourth Monday in April and the third Monday in September, eighteen juridical days each;

(2) Lee County, at Beattyville, on the fourth Monday in January, third Monday in May and the second Monday in October, eighteen juridical days each;

(3) Owsley County, at Booneville, on the third Monday in February, second Monday in June and the second Monday in November, twelve juridical days each.

Section 25. The regular term of each circuit court in the Twenty-fourth District shall commence in the following places at the following times, and continue, if the business requires it, the following number of days:

(1) Johnson County, at Paintsville, on the second Monday in January, the third Monday in April, and the fourth Monday in August, twenty-four juridical days each;

(2) Lawrence County, at Louisa, on the third Monday in February, the fourth Monday in May, and the fourth Monday in September, twenty-four juridical days each;

(3) Martin County, at Inez, on the third Monday in March, the fourth Monday in June, and the second Monday in November, twenty-four juridical days each.

Section 26. The regular term of each circuit court in the Twenty-fifth District shall commence in the following places at the following times, and continue, if the business requires it, the following number of days:

(1) Clark County, at Winchester, on the first Monday in April, twenty-four juridical days; on the second Monday in September and the fourth Monday in November, eighteen juridical days each;

(2) Jessamine County, at Nicholasville, on the first Monday in March, the first Monday in June and the first Monday in November, twelve juridical days each;

(3) Madison County, at Richmond, on the first Monday in February, the first Monday in May and the first Monday in October, twenty-four juridical days each.

Section 27. The regular term of the circuit court in the Twenty-sixth District shall commence in the following place at the following times, and continue, if the business requires it, the following number of days:

Harlan County, at Harlan, on the first Monday in January and the first Monday in February, eighteen juridical days each; on the first Monday in March, twenty-four juridical days; on the first Monday in

April and the first Monday in May, eighteen juridical days each; on the first Monday in June, eighteen juridical days; on the first Monday in September, eighteen juridical days; on the first Monday in October, twenty-four juridical days; and on the first Monday in November, eighteen juridical days.

Section 28. The regular term of each circuit court in the Twenty-seventh District shall commence in the following places at the following times, and continue, if the business requires it, the following number of days:

(1) Laurel County, at London, the third Monday in February; the third Monday in May; the third Monday in October, thirty juridical days each;

(2) Knox County, at Barbourville, the second Monday in January; the second Monday in April, the second Monday in September, thirty juridical days each.

Section 29. The regular term of each circuit court in the Twenty-eighth District shall commence in the following places at the following times, and continue, if the business requires it, the following number of days:

(1) Pulaski County, at Somerset, on the second Monday in January, the second Monday in February, the first Monday in May, the second Monday in June, the first Monday in September, and the second Monday in October, twenty-four juridical days each;

(2) Rockcastle County, at Mt. Vernon, on the third Monday in March, the third Monday in July, and the third Monday in November, thirty juridical days each.

Section 30. The regular term of each circuit court in the Twenty-ninth District shall commence in the following places at the following times, and continue, if the business requires it, the following number of days:

(1) Adair County, at Columbia, on the first Monday in March, twelve juridical days; on the first Monday in July, eighteen juridical days; on the first Wednesday after the first Monday in November, ten juridical days;

(2) Casey County, at Liberty, on the first Monday in February, eighteen juridical days; on the first Monday in June and September, twelve juridical days each;

(3) Cumberland County, at Burkesville, on the third Monday in March, eighteen juridical days; on the third Monday in August and November, twelve juridical days each;

(4) Monroe County, at Tompkinsville, on the second Monday in April, eighteen juridical days; on the first Monday in August and December, twelve juridical days each.

Section 31. Jefferson County circuit court, at Louisville, shall be in continuous session.

Section 32. The regular term of the circuit court in the Thirty-first District shall commence in the following place at the following times, and continue, if the business requires it, the following number of days:

Floyd County, at Prestonsburg, on the first Monday in January, twenty-four juridical days; on the first Monday in February, eighteen juridical days; on the first Monday in March and the first Monday in April, twenty-four juridical days each; on the first Monday in May, eighteen juridical days; on the first Monday in June, twenty-four juridical days; on the first Monday in September, eighteen juridical days; and on the first Monday in October and on the second Monday in November, twenty-four juridical days each.

Section 33. Boyd County circuit court, at Ashland, shall be in continuous session.

Section 34. The regular term of each circuit court in the Thirty-third District shall commence in the following places at the following times, and continue, if the business requires it, the following number of days:

(1) Perry County, at Hazard, on the third Monday in February, the third Monday in May, the first Monday in September and the second Monday in November, twenty-four juridical days each;

(2) Letcher County, at Whitesburg, on the first Monday in January, the first Monday in April, the first Monday in July, and the first Monday in October, twenty-four juridical days each.

Section 35. The regular term of each circuit court in the Thirty-fourth District shall commence in the following places at the following times, and continue, if the business requires it, the following number of days:

(1) Whitley County, at Williamsburg, second Monday in January, thirty juridical days; first Monday in April, first Monday in June, and the first Monday in October, twenty-four juridical days each;

(2) McCreary County, at Whitley City, third Monday in February, thirty juridical days; first Monday in May; first Monday in September, and the first Monday in November, twenty-four juridical days.

Section 36. Pike County circuit court, at Pikeville, shall be in continuous session.

Section 37. The regular term of each circuit court in the Thirty-sixth District shall commence in the following places at the following times, and continue, if the business requires it, the following number of days:

(1) Knott County, at Hindman, on the first Monday in March,

twenty-four juridical days; on the second Monday in May, twenty-four juridical days; on the fourth Monday in August, eighteen juridical days; and on the second Monday in November, thirty juridical days;

(2) Magoffin County, at Salyersville, on the first Monday in February, eighteen juridical days; on the second Monday in April, eighteen juridical days; on the second Monday in June, eighteen juridical days; and on the fourth May in September, twenty-four juridical days.

Section 38. The regular term of each circuit court in the Thirty-seventh District shall commence in the following places at the following times, and continue, if the business requires it, the following number of days:

(1) Elliott County, at Sandy Hook, on the first Monday in February, the first Monday in May and the first Monday in October, twelve juridical days each;

(2) Morgan County, at West Liberty, on the third Monday in February, the third Monday in May and the third Monday in October, twelve juridical days each;

(3) Carter County, at Grayson, on the first Monday in March, the first Monday in June and the second Monday in November, twenty-four juridical days each.

Section 39. The regular term of each circuit court in the Thirty-eighth District shall commence in the following places at the following times, and continue, if the business requires it, the following number of days:

(1) Butler County, at Morgantown, on the first Monday in March, the first Monday in June and the first Monday in November, twelve juridical days each;

(2) Edmonson County, at Brownsville, on the third Monday in March, the third Monday in June and the third Monday in November, twelve juridical days each;

(3) Hancock County, at Hawesville, on the first Monday in February, the first Monday in May, and the first Monday in September, twelve juridical days each;

(4) Ohio County, at Hartford, on the second Monday in January, the first Monday in April, the second Monday in July, and the first Monday in October, eighteen juridical days each.

Section 40. The regular term of each circuit court in the Thirty-ninth District shall commence in the following places at the following times, and continue, if the business requires it, the following number of days:

(1) Breathitt County, at Jackson, on the third Monday in March, the second Monday in August, and the second Monday in November, eighteen juridical days each;

(2) Powell County, at Stanton, on the first Monday in March,

the first Monday in July, and the second Monday in October, twelve juridical days each;

(3) Wolfe County, at Campton, on the second Monday in April, the second Monday in September, and the first Monday in December, twelve juridical days each.

Section 41. The regular term of each circuit court in the Fortieth District shall commence in the following places at the following times, and continue, if the business requires it, the following number of days:

(1) Clinton County, at Albany, on the second Monday in January, on the fourth Monday in April, and on the first Monday in September, eighteen juridical days each;

(2) Russell County, at Jamestown, on the second Monday in February, on the fourth Monday in May, and on the first Monday in October, twenty-four juridical days each;

(3) Wayne County, at Monticello, on the third Monday in March, on the first Monday in July, and on the second Monday in November, twenty-four juridical days each.

Section 42. The regular term of each circuit court in the Forty-first District shall commence in the following places at the following times, and continue, if the business requires it, the following number of days:

(1) Leslie County, at Hyden, on the first Monday in March, first Monday in July, first Monday in November, for twenty-four juridical days each;

(2) Clay County, at Manchester, on the first Monday in January, first Monday in May, first Monday in September for thirty juridical days each;

(3) Jackson County, at McKee, on the second Monday in February, second Monday in June, second Monday in October for eighteen juridical days each.

Section 43. The regular term of each circuit court in the Forty-second District shall commence in the following places at the following times, and continue, if the business requires it, the following number of days:

(1) Livingston County, at Smithland, on the second Monday in April, eighteen juridical days; the second Monday in August, eighteen juridical days; and the first Monday in December, eighteen juridical days;

(2) Marshall County, at Benton, on the second Monday in January, eighteen juridical days; on the second Monday in March, eighteen juridical days; on the second Monday in June, eighteen juridical days; and on the third Monday in October, eighteen juridical days;

(3) Calloway County, at Murray, on the first Monday in February, twenty-four juridical days; on the first Monday in May, twenty-

four juridical days; on the second Monday in September, twenty-four juridical days.

Section 44. The regular term of each circuit court in the Forty-third District shall commence in the following places at the following times, and continue, if the business requires it, the following number of days:

(1) Barren County, at Glasgow, on the second Monday in January, thirty juridical days; on the first Monday in April and the second Monday in September, thirty juridical days each;

(2) Metcalfe County, at Edmonton, on the first Monday in March, eighteen juridical days; on the second Monday in July and the first Monday in November, eighteen juridical days each.

Section 45. The regular term of the circuit court in the Forty-fourth District shall commence in the following places at the following times, and continue, if the business requires it, the following number of days:

Bell County, at Pineville, and at Middlesboro, on the second Monday in January, and the first Monday in February, eighteen juridical days each; on the first Monday in March; twenty-four juridical days; on the first Monday in April and the first Monday in May, eighteen juridical days each; on the first Monday in June, twenty-four juridical days; on the first Monday in September, eighteen juridical days; on the first Monday in October, twenty-four juridical days; on the first Monday in November, eighteen juridical days.

Section 46. The regular term of each circuit court in the Forty-fifth District shall commence in the following places at the following times, and continue, if the business requires it, the following number of days:

(1) McLean County, at Calhoun, on the second Monday in April, second Monday in July, and second Monday in December, eighteen juridical days each;

(2) Muhlenberg County, at Greenville, on the second Monday in January, second Monday in March, second Monday in May, second Monday in September, and second Monday in November, eighteen juridical days each.

Section 47. The regular term of each circuit court in the Forty-sixth District shall commence in the following places at the following times, and continue, if the business requires it, the following number of days:

(1) Breckinridge County at Hardinsburg, on the first Monday in January, for thirty juridical days; the first Monday in May, for eighteen juridical days; the fourth Monday in August, for thirty juridical days;

(2) Grayson County, at Leitchfield, on the second Monday in February, for thirty juridical days; the fourth Monday in May, for

eighteen juridical days; first Monday in October, for thirty juridical days;

(3) Meade County, at Brandenburg, on the third Monday in March, for thirty juridical days; the third Monday in June, for eighteen juridical days; the second Monday in November, for thirty juridical days.

Section 48. Warren County circuit court, at Bowling Green, shall be in continuous session.

Section 49. Section 23.050 of the Kentucky Revised Statutes is repealed.

Amend printed copy of **HB 560** on page 7, section 9, lines 8 through 13 by deleting all of lines 8 to 13 inclusive, and inserting in lieu thereof, the following:

"(2) Simpson County, at Franklin, on the first Monday in March eighteen juridical days, on the first Monday in June, twenty-four juridical days, and on the second Monday in November, eighteen juridical days."

HB 601, AN ACT relating to water districts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) Upon written request of two or more freeholders in a county adjacent to a county containing a water district, the board of commissioners of the district, may petition the county court of the adjoining county for addition of proposed territory. The procedure for such extension shall be the same as prescribed in KRS 74.110 and the county judge of the adjoining county may make such order as is therein provided. If more than thirty-five freeholders in the territory being added to the district are affected, the county judge of the adjoining county, may appoint two additional commissioners who are residents of such territory; otherwise the judge may appoint one commissioner.

HB 394, AN ACT relating to parking meters in cities of the second class.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 94.740 of the Kentucky Revised Statutes is amended to read as follows:

(1) The governing body of any city of the second class may enact ordinances providing for the acquisition, establishment, erection, maintenance and operation of a system of parking meters or other similar mechanical devices to regulate and control vehicular traffic in the city, said meters or devices requiring a deposit of money, the amount thereof to be determined by the legislative body of the city, from those

who park vehicles for stipulated periods of time in certain areas in the city in which the congestion of vehicular traffic is such that public convenience and safety require such regulation.

(2) The proceeds derived from the use of such parking meters or other similar mechanical devices shall be used: First, for the purpose of the acquisition, establishment, erection, maintenance and operation of the system; second, for the purpose of making the system effective; and third, for the expenses incurred by and throughout the city in the regulation and limitation of vehicular parking, traffic relating to parking, traffic safety, devices, signs, signals, markings, policing, lights, traffic surveys and safety programs.

(3) Nothing contained in this section shall prohibit the governing body of any city of the second class from employing any and all other ways and means to regulate and control vehicular parking in the city, either in conjunction with a system of meters or devices or exclusive and independent thereof.

HB 330, AN ACT relating to compensation for city council members.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 86.050 of the Kentucky Revised Statutes is amended to read as follows:

(1) Members of the city council shall be elected for terms of two years.

(2) Each member of the council shall be a qualified voter in the city, and shall have been for at least six months prior to his election a resident of the ward for which he stands, if the city is divided into wards. No member of the council shall be interested in any contract with the city, or be in arrears to the city for money collected or withheld without a settlement or quietus therefor. The absence of any of the qualifications, or the existence of any of the disqualifications provided for in this subsection shall render a person ineligible to be a member of the council, and the council shall so declare, and shall fill the vacancy.

(3) The city council may by ordinance, allow each member of the next council not more than fifteen dollars for each meeting of the council that he attendss.

HB 576, AN ACT relating to the Kentucky State Fair Board, the Kentucky Fair and Exposition Center, the Kentucky State Fair, and the control, management and operation of all facilities and activities in connection therewith.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act, unless the context otherwise requires:

(1) "State Fair Board" means the board authorized by and appointed pursuant to the provisions of Kentucky Revised Statutes 247.090.

(2) "Kentucky Fair and Exposition Center" means the physical facilities located on the state fairgrounds in Louisville, Kentucky, including but not limited to the athletic stadium, coliseum sometimes referred to as "Freedom Hall," and all other buildings and grounds thereon located or reasonably contiguous or adjacent thereto.

(3) "State Fair" means the event annually conducted under the direction of the State Fair Board for the purpose of promoting and stimulating public interest in agricultural, industrial and other developments of the Commonwealth and which "state fair" is normally held for a period of approximately two weeks or less as contrasted with the year-round activities of the Fair and Exposition Center.

Section 2. Section 247.100 of the Kentucky Revised Statutes is amended to read as follows:

"(1) The State Fair Board shall be a body corporate with the usual corporate powers of municipal or educational institutions, and shall possess all the immunities, rights, privileges and franchises usually attaching to the governing bodies of municipal or educational institutions. Full minutes and records shall be kept of all meetings of the board and all official actions of the board shall be recorded therein, and such minutes and records shall constitute public records and be available at all reasonable times for public inspection.

(2) A quorum of the board shall consist of five members, and a majority of those present at any meeting of the board may act for the board upon any matter which may legally come before such meeting."

Section 3. Section 247.120 of the Kentucky Revised Statutes is amended to read as follows:

"The members of the State Fair Board shall be allowed their necessary expenses and in addition shall be paid twenty-five ($25.00) dollars per day for attending the meetings of the State Fair Board or committees functioning in connection therewith, the total per diem for which reimbursement shall be made shall not exceed ninety-six (96) days in number in any one year excluding the days during which services are rendered in carrying on the State Fair for which the schedule of compensation and expenses hereinbefore provided shall also be paid."

Section 4. Section 247.130 of the Kentucky Revised Statutes is amended to read as follows:

"(1) The State Fair Board, in its discretion, may appoint a manager who shall not be one of their number. The appointment of a manager shall be on the basis of training, ability and experience. A manager shall hold his position during the pleasure of the board, but may be removed only by an affirmative vote of six members of the board. A manager shall be responsible for the administration of the policies set by the board, shall devote his entire time and attention to the performance of such duties and work as may be required of him by law or be assigned to him by the board, and shall receive such salary, fixed on an annual basis, as the board may determine.

(2) A manager may organize such administrative divisions as may be necessary and may designate chiefs of such divisions who, under his control and supervision, shall have the duties of direction of such divisions. A manager may employ such other employees and agents as he deems necessary for the carrying out of the policies of the board and to conduct the affairs of the State Fair, and may fix the duties and compensation of any employees or agents with the approval of the board.

(3) The board may employ or contract with such other persons, firms or corporations as the board may deem necessary or desirable to accomplish its duties and functions; may fix the compensation and the terms of employment or contract of those employed or contracted with; and may assign to them such duties and responsibilities as the Board may determine, including the responsibility of actual operation of any or all of the facilities under the control of the board."

Section 5. Section 247.160 of the Kentucky Revised Statutes is amended to read as follows:

"(1) The State Fair Board shall have exclusive control of concessions, exhibitions, shows, entertainments, attractions and any other activity, business or event at any place on the State Fairgrounds or in any of the Kentucky Fair and Exposition Center Buildings and may, in the discretion of the board, operate any or all of such activities itself or by agents or by lease, franchise or contract. It may delegate such control or operations to any of its employees or agents, or to an executive committee.

(2) The State Fair Board shall have a prior lien upon the property of any concessionaire, exhibitor, lessee, franchisee, or person or corporation who is doing or has done business on the State Fair grounds, immediately upon its coming or being brought on the state Fairgrounds or any of the buildings or facilities incident thereto, to secure existing or future indebtedness.

Unless adequate provisions are made by such concessionaire, exhibitor, lessee, franchisee, or person or corporation to the satisfaction of the board to secure it in the payment of such claim or indebtedness, the State Fair Board through any designated employee or agent may sell the property to satisfy the indebtedness, after giving ten days' written notice by registered mail to the owner or agent of the owner at his last known Kentucky address, or if notice cannot be given the owner, after a notice is posted for ten days in the office of the State Fair Board, Louisville, Kentucky, announcing that the property is to be sold. The State Fair Board, through its designated agent, may bid and buy in the property offered for sale for the use and benefit of the State Fair or the State Fair and Exposition Center."

Section 6. Section 247.165 of the Kentucky Revised Statutes is amended to read as follows:

"None of the provisions of Chapter 137 shall apply to any operations at the State Fair or at events, businesses or activities conducted at the Kentucky Fair and Exposition Center, nor shall the provisions of the Kentucky Revised Statutes 91.200 apply to exhibitors at the State Fair, or at trade shows, conventions or similar activities held or presented at the Kentucky Fair and Exposition Center."

Section 7. Section 247.180 of the Kentucky Revised Statutes is repealed.

Section 8. Section 247.190 of the Kentucky Revised Statutes is amended to read as follows:

"(1) All revenues derived by the State Fair Board from the use of properties and facilities under its custody and control shall be used exclusively for the purpose of defraying the expenses of the board, the cost of the management and operation of such properties and facilities, the payment of interest and principal upon any indebtedness incurred by the board for such properties and facilities, the creation of adequate reserves for the repair and replacement thereof and for the financing of further extensions, improvements, and additions thereto. Included in the cost of operation may be such promotional activities as the State Fair Board may determine upon as calculated to stimulate and increase the use and the revenues of such facilities, and to increase and stimulate the interest and usefulness of the State Fair.

(2) The State Fair Board shall generally cause its funds to be deposited in the State Treasurer's office, to be withdrawn on appropriate vouchers approved by the Board, but it may create special accounts in other depositories for the purpose of more advantageously and economically conducting its operations. Before any such special accounts in other depositories are established, written approval shall be obtained from the State Treasurer and the Commissioner of Finance in accordance with KRS 41.220 and further all records and details concerning such special accounts shall be available at all reasonable times for examination and inspection of the Auditor of Public Accounts or a representative duly designated by the said auditor.

(3) An annual audit of the monies and accounts of the State Fair Board including, but not limited to such special accounts in other depositories, shall be made by the Auditor or by a certified public accountant approved by the Auditor and the report of such audit

shall be delivered within a reasonable time after its completion to the Governor for the benefit of the Governor and the General Assembly, the Commissioner of Finance, and such other fiscal officers of the State as may be designated by the Governor."

Section 9. Section 247.200 of the Kentucky Revised Statutes is amended to read as follows:

"The State Fair Board shall not give a free pass, ticket or box, to any person for any event including but not limited to the Horse Show held at the State Fair or a free admission to the State Fair. The Board shall publicize the State Fair and all activities at the Exposition Center in order to attract the largest possible attendance and in this connection may authorize such door prizes, attendance awards or otherwise as it may deem advisable or necessary.

HB 435, AN ACT relating to incorporation of cities.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 81.040 of the Kentucky Revised Statutes is amended to read as follows:

(1) No city shall be incorporated unless at least seven hundred fifty persons reside within the boundaries proposed to be established for the city.

(2) The boundary of any city, when incorporated, shall not exceed the following areas, except as provided in subsection (4):

(a) One fourth square mile, the form of the city being substantially square, if there are seven hundred fifty or more inhabitants, but less than one thousand inhabitants residing within the boundary proposed to be established for the city;

(b) One square mile, the form of the city being substantially square, if there are one thousand or more inhabitants, but less than three thousand inhabitants residing within the boundary proposed to be established for the city;

(c) Two square miles, the form of the city being substantially square, if there are three thousand or more inhabitants, but less than eight thousand inhabitants residing within the boundary proposed to be established for the city;

(d) Four square miles, the form of the city being substantially square, if there are twenty thousand or more inhabitants, but less than one hundred thousand inhabitants residing within the boundary proposed to be established for the city;

(e) Sixteen square miles, the form of the city being substantially square, if there are one hundred thousand or more inhabitants residing within the boundary proposed to be established for the city.

(3) "Substantially square," as used in this section, means rectangular, and having straight sides, except for minor irregularities and

curvatures, and it means that the ratio of the length to the breadth is not greater than five to three.

(4) An incorporated district having any power of taxation and having any of the powers of a municipality or of a political subdivision, and having seven hundred fifty or more persons residing within its boundaries, may be incorporated as a city within its present boundaries.

HB 496, AN ACT relating to public utility rates.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 278.190 of the Kentucky Revised Statutes is amended to read as follows:

(1) Whenever any utility files with the commission any schedule stating new rates the commission may, upon its own motion, or upon complaint as provided in KRS 278.260, and upon reasonable notice, enter upon a hearing concerning the reasonableness of the new rates.

(2) Pending such hearing and the decision thereon, and after notice to the utility, the commission may, at any time before said schedule becomes effective, suspend the operation of said schedule and defer the use of such rate, charge, classification or service, but not for a longer period than five months beyond the time when it would otherwise go into effect; and after such hearing, either completed before or after the rate, charge, classification or service goes into effect, the commission may make such orders with reference thereto as it deems proper in the matter. If the proceeding has not been concluded and an order made at the expiration of such five months the utility may place the proposed change of rate, charge, classification or service in effect at the end of such period after notifying the commission, in writing, of its intention so to do. Where increased rates or charges are thus made effective, the commission may, by order, require the interested utility or utilities to maintain their records in such manner as will enable them, or the commission, or any of its customers, to determine the amounts to be refunded and to whom due in the event a refund is ordered, and upon completion of the hearing and decision may, by further order, require such utility or utilities to refund to the person in whose behalf such amounts were paid such portion of such increased rates or charges as by its decision shall be found unreasonable. Any refund ordered by the commission shall include interest at the rate of six percent. Provided, however, if the commission, at any time, during said five months' suspension period, finds that an emergency exists or that the company's credit or operations will be materially impaired or damaged by the failure to permit said rates to become effective during said five months' period, said commission may, after any hearing or hearings,

permit all or a portion of said rates to become effective under such terms and conditions as the commission may, by order, prescribe.

(3) At any hearing involving the rate or charge sought to be increased, the burden of proof to show that the increased rate or charge is just and reasonable shall be upon the utility and the commission shall give to the hearing and decision of such questions preference over other questions pending before it and decide the same as speedily as possible, and in any event not later than ten months after the filing of such schedules.

(4) In the event the commission, by order, directs any utility to make a refund, as hereinabove provided, of all or any portion of such increased rates or charges, the utility shall make the same with interest within sixty days after a final determination, any party entitled to such refund may, after ten days' written demand, bring an action therefor in any court of competent jurisdiction of this state, and may recover, in addition to the amount of the refund due, legal interest, court costs and reasonable attorney's fees. No such action may be maintained unless instituted within one year after such final determination. Any number of persons entitled to such refunds may join in as plaintiffs in a single action and the court shall render a judgment severally for each plaintiff as his interest may appear.

Section 2. The interest on refunds provided by subsection (2) of Section 1 of this Act shall not be considered an element of value for rate-making purposes.

HB 315, AN ACT relating to civil service in cities.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 90.330 of the Kentucky Revised Statutes is amended to read as follows:

(1) The civil service commission shall examine all applicants as to their physical and mental qualifications for the particular classification wherein they seek employment. To be eligible for examination a person must not be less than twenty-one nor more than forty-five years of age, a law-abiding citizen of sobriety and integrity, and must be able to read and write and understand the English language.

(2) No person shall be appointed to a position under civil service in a city until that person is a resident of the city.

HB 554, AN ACT relating to peace officers.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) No peace officer shall patrol the public roads or highways of the Commonwealth in any automobile, motor truck, motorcycle or other vehicle unless such vehicle is plainly marked and carries

adequate emergency lights so that it may be easily and quickly identified as an official police vehicle.

(2) No person shall be required to obey an order to stop his vehicle upon the highway unless it is given by a peace officer in a motor vehicle plainly marked as an official car, by a person, if on foot, having plainly visible insignia indicating that he is a peace officer, or by a highway workman engaged in official duties.

HB 575, AN ACT relating to the Public Service Commission and amending Section 278.130 of the Kentucky Revised Statutes to raise the total amount that may be assessed by the Commission against public utilities in any year from $250,000 to $350,000.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 278.130 of the Kentucky Revised Statutes is amended to read as follows:

"(1) For the purpose of maintaining the Public Service Commission, including the payment of salaries and all other expenses, and the cost of regulation of the utilities subject to its jurisdiction, the Commission shall each year, with the prior approval of the Governor, assess the necessary amount upon the utilities in proportion to their gross earnings or receipts derived from intrastate business in Kentucky for the preceding calendar year, and shall notify each utility on or before May 31 of the amount assessed against it. The total amount so assessed shall not in any year exceed $350,000, and the sum paid by each utility shall not be less than $5 in any one year.

"(2) The assessments provided for in this section shall be in lieu of all other fees or assessments levied by any city or other political subdivision for the control or regulation of utilities.

HB 495, AN ACT relating to rates and services of public utilities.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 278.170 of the Kentucky Revised Statutes is amended to read as follows:

(1) No utility shall, as to rates or services, give any unreasonable preference or advantage to any person or subject any person to unreasonable prejudice or disadvantage, or establish or maintain any unreasonable difference between localities or between classes of service for doing a like and contemporaneous service under the same or substantially the same conditions. Rate for intrastate telephone service shall not exceed the rates for interstate service for like and contemporaneous service under the same or substantially the same conditions.

(2) Any utility may grant free or reduced rate service to its

officers, agents or employes, including physicians and attorneys, and may exchange free or reduced rate service with other utilities for the benefit of the officers, agents and employes of both utilities, including their physicians and attorneys. Any utility may grant free or reduced rate service to the United States, to charitable and eleemosynary institutions, and to persons engaged in charitable and eleemosynary work, and may grant free or reduced rate service for the purpose of providing relief in case of flood, epidemic, pestilence or other calamity. The terms "officers" and "employes," as used in this subsection, include furloughed, pensioned and superannuated officers and employes, and persons who have become disabled or infirm in the service of the utility. Notice must be given to the commission and its agreement obtained for such reduced rate service except in case of an emergency, in which case the commission shall be notified at most five days after the service is rendered.

(3) The commission may determine any question of fact arising under this section.

HB 478, AN ACT relating to horse racing.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 230.060 of the Kentucky Revised Statutes is amended to read as follows:

(1) An association formed for the purpose of racing and breeding or improving the breed of horses and conducting contests of speed may hold one or more running race meetings between April 1 and December 1 of each year.

(2) At such meetings the association or the owners of the horses engaged in the races, or others that are not participants in the racing, may contribute prizes or stakes to be contested for, but no person other than the owner of a horse contesting in a race shall have any pecuniary interest in a prize or stake contested for in that race, or be entitled to, or receive any portion of the prize or stake after the race has been finished. The whole of the prize or stake shall be allotted in accordance with the terms of the race.

(3) Running races may be held only between sunrise and midnight.

HB 494, AN ACT relating to the consolidation of cities.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Any two cities lying contiguous to each other may consolidate and operate as one city if at an election to be held as provided in Section 2 of this Act there shall be a majority of all the votes cast in each city in favor of such union.

Section 2. (1) The several councils of any two cities desiring to consolidate shall pass an ordinance expressing the purpose thenceforth to operate as one city under the name and terms therein mentioned, and call an election to be held simultaneously in the two cities on a day designated in the ordinance, but not less than thirty days after the passage thereof. The election on the question shall be held at the next November election immediately preceding the regular election for mayor of the larger of the two cities and shall be conducted under the general election laws. The official ballot shall contain, in substance, the following question:

"Shall the city of ________________________________ consolidate

with the city of ____________________________________, under the

name of ____________________________________?"

And the words "For consolidation" and "Against consolidation," with a square opposite each.

(2) If a majority of the qualified voters in each city vote for consolidation, then such cities shall be one city and operate as one. Immediately thereafter the mayors of each city shall be by joint proclamation published in a newspaper published in the city or county, declare the consolidation and the effective date therefor.

(3) The consolidation, however, shall not become effective until the qualification of city officers elected to govern the consolidated city at the succeeding regular city election of officers for the class of city under which the consolidated city is required to operate under the provisions of Section 3 of this Act. If at this time there exist elected officers in either of the two cities whose terms have not expired, they shall continue to hold their respective offices until the expiration of their regular terms. However, all non-elected officers are ipso facto abolished at the time the consolidation becomes effective.

Section 3. Cities consolidated under this Act shall operate initially under the laws governing the larger of the two cities.

Section 4. (1) Each of the cities so consolidated shall pay its own floating and bonded indebtedness and liability of every kind, and the interest thereon, as the same existed at the time of consolidation; and the council of the consolidated city shall levy, respectively, on the properties in each of the said cities so consolidated and as they existed at the time of the consolidation, a tax sufficient to provide funds for each to pay its own floating and bonded indebtedness, liability and interest as they may accrue. The circuit court is given jurisdiction to ascertain the indebtedness, liabilities, properties and assets of each of the cities.

(2) All monies accruing from time to time from delinquent taxes prior to the consolidation, and all assessments against private property

for public improvements shall be applied to the indebtedness of the city to which the same shall belong.

Section 5. All the property, real, personal and mixed, and the rights and privileges of every kind, vested or belonging to either of said cities prior to and at the time of the consolidation, shall be vested in and owned by the consolidated city. However, nothing in this Act shall be construed to extend or enlarge any contract, franchise, privilege or right or claim theretofore granted by either of the consolidated cities to any person; except that all the ordinances of each of the cities shall be applicable in and to all the territory of the consolidated city, until amended or repealed, and if there is any conflict by reason of different ordinances in the two cities, the ordinance of the larger city shall control, provided, however, the laws applicable to and governing the consolidated city shall in all cases, be supreme.

HB 536, AN ACT relating to junior colleges.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. (1) Subject to the provisions of subsection (2), the following classes may establish a school district for the purpose of establishing a junior college:

(a) Two or more contiguous independent or county school districts;

(b) Any presently existing junior college and any other school district or districts; or

(c) Any school district.

(2) Before such a junior college district may be formed, the following conditions must be present:

(a) There must be a tax evaluation within the district of at least nine million, five hundred thousand dollars;

(b) There must be at least four hundred full-time high school seniors within the junior college district at the time of its formation; and

(c) No other publicly operated institution of higher learning shall be in existence in any part of the proposed junior college district.

Section 2. The formation of a junior college district in no way affects the separate existence of the districts composing the same, and each shall be a separate entity as to all matters not directly concerning the junior college district.

Section 3. The government of any junior college established under the provisions of this Act shall be vested in a board of trustees. Members of the board shall be appointed by the school boards of the district or districts comprising the junior college district, and shall be in proportion to the amount of the taxable property valuation within the district or districts at the time the junior college district is formed. However, no board of trustees shall consist of more than twenty-five members.

Section 4. The board of trustees of a junior college district, and the board of trustees of any junior college presently in existence, may levy an annual ad valorem tax of from seven to ten cents on each one hundred dollars worth of taxable property within the junior college district, such levy to be made at the same time and in the same manner that the levy is made for general school purposes. However, before any tax is levied, the question shall be submitted to the qualified voters of the junior college district in accordance with Section 184 of the Constitution of Kentucky.

Section 5. The board of trustees may acquire property by the use of the funds accruing to the board through the tax levy authorized by this Act or from the sale of bonds authorized by a majority vote of the qualified voters voting on the proposition when submitted in approved form at any general election. Provided, however, that sufficient money shall be set aside from the taxes collected for the junior college fund each year to pay interest and bonds coming due or to create a sinking fund to amortize such bonds.

Section 6. The board of trustees is authorized to accept gifts and financial assistance from private individuals, the state, or any political subdivision thereof, and the federal government. The board may take title in its own name to any property, or may hold property as trustee for the benefit of the junior college, or any particular enterprise thereof.

Section 7. Nothing in this Act shall be construed as in any way diminishing any of the rights, powers and duties of any junior college presently in existence.

Section 8. Sections 165.210, 165.220, 165.230, 165.240, 165.250, 165.260, 165.280, 165.290, 165.300 and 165.310 of the Kentucky Revised Statutes are repealed.

Amend printed copy of **HB 536** on page 2, section 3, lines 4, 7. Delete the words "school boards" preceding the word "of" on line 4, and substitute in lieu thereof the words "legislative bodies and fiscal courts"

Insert following the period after the word "formed" and preceding the word "However" on line 7, the words "If a junior college district contain more than one legislative body or fiscal court, the legislative body or fiscal court representing the entire district shall appoint the trustees apportionate to the entire district."

HB 590, AN ACT authorizing suits against the Commonwealth, its agencies, political subdivisions and municipal corporations, and other corporations and individuals, and authorizing the purchase of liability insurance.

WHEREAS, the Commonwealth of Kentucky, its agencies, subdivisions and municipal corporations, and other corporations and individuals, vested with the power of eminent domain have, since the adoption of the present constitution, been required to respond in damages for property taken, injured or destroyed by them without prior payment to the owner, and;

WHEREAS, those claiming title to property, title to which is also claimed by the Commonwealth, its agencies, subdivisions and municipalities, have, since the adoption of the present constitution, been permitted to maintain suits in the courts to determine ownership, and;

WHEREAS, citizens have, since the adoption of the present constitution, maintained suits against the Commonwealth for damages to person and property occurring by reason of the negligence of the Commonwealth, its agencies, subdivision or municipalities, upon resolutions duly adopted by the General Assembly, and

WHEREAS, recent decisions of the Court of Appeals of Kentucky, decided during the present term of this General Assembly, have declared that resolutions of the General Assembly authorizing the Commonwealth to be sued are invalid and that such suits may only be authorized by general law pursuant to Section 231 of the Constitution, and other such decisions of the Court of Appeals of Kentucky and other courts, cast grave doubt on whether or not other suits mentioned in this preamble may be maintained against the Commonwealth, its agencies, subdivision, municipalities, etc., without such a general law;

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) Suits may be brought against the Commonwealth for the recovery of just compensation for any property taken or applied to public use by the State, or any State agency, without the consent of the owner, or his representatives, and without just compensation having been previously made to him.

(2) Suits may be brought against municipal and other corporations, and individuals vested with the privilege of taking private property for public use, for the recovery of just compensation for any property taken, injured or destroyed by them, without the consent of the owner, or his representatives, and without just compensation having been previously made to him.

(3) Suits may be brought against the Commonwealth, or any

agency or subdivision thereof, or municipality located therein, to decide any controversy as to title to real or personal property in which the Commonwealth, its agencies, subdivisions or municipalities claim an interest.

(4) Suits may be brought against the Commonwealth, or any agency or subdivision thereof, or any municipality located therein, for damages to persons or property occurring by reason of the negligence of the Commonwealth, agency, subdivision or municipality, or the agents, servants and employees thereof, acting within the scope of their duties.

(5) Suits permitted by Subsections 1, 2, 3, and 4, hereof, shall be brought in the courts of this Commonwealth that would have jurisdiction and venue thereof, if the Commonwealth, agency, subdivision, municipality or other corporation, were a natural person, but any suit to which the Commonwealth, or one of its agencies, is a party may be brought in the Franklin Circuit Court.

(6) Actions within the purview of this act that are now pending in any court of this Commonwealth may be prosecuted to final conclusion and any such action, not now pending, that accrued after the adjournment of the 1956 regular session of the General Assembly on February 18, 1956, and prior to the effective date of this act may be commenced within one (1) year from the effective date of this act. All other actions shall be governed by the General Statutes of Limitations in such cases made and provided.

(7) All governmental units of this Commonwealth may contract for and maintain in effect such liability insurance as they may deem necessary.

(8) Because recent decisions of the Court of Appeals have left all citizens without remedies that they have enjoyed at least since the adoption of the present Constitution in 1892, an emergency is declared to exist, and this act shall take effect upon its passage and approval by the Governor.

HB 314, AN ACT relating to the adoption of codes and revisions of ordinances by reference.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

A new section of Chapter 82 of the Kentucky Revised Statutes is created to read as follows:

(1) The legislative body of any city may by reference adopt traffic, building, plumbing, electrical, and other codes, and revisions or codifications or ordinances without the necessity of newspaper or other publication. Notice of the meeting at which the codes or revisions are adopted shall be given in a newspaper published, or of general circulation, in the city at least five days before the meeting. The notice shall state the purpose of the meeting. When the code or

revision has been adopted it shall be made a part of the public records of the city by resolution or ordinance.

(2) This section is permissive and is in addition to the authority granted or conferred by any other statute relating to such matters.

HB 237, AN ACT relating to the distribution of proceeds of property taken from the Commonwealth, Counties or Cities by the Federal Government for Federal projects.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Where property owned by the Commonwealth, a county or city is required to be taken and used by the Federal Government for a Federal project, the Commonwealth, county or city shall be entitled to the value of the property taken, said property to include, but not be limited to, streets and utilities.

Section 2. Where, under the provisions of Section 1, a city is required to be relocated, or when relocated, is merged with another city, the city or successor city shall be entitled to the value of the property taken. Where, however, such city is required to be destroyed, and there is no successor city, the Treasurer of the Commonwealth shall be entitled to and shall receive the reimbursement for the value of the property so taken, and shall act as trustee thereof until such time as the General Assembly shall direct the manner of its use, which shall be for the benefit of the general area concerned.

HB 194, AN ACT relating to fees and compensation to be received by the Clerk of the Court of Appeals and the Clerks of Circuit Courts and County Courts; amending Section 64.010 of the Kentucky Revised Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 64.010 of the Kentucky Revised Statutes is amended to read as follows:

The clerk of the Court of Appeals and the clerks of circuit courts and county courts, as far as the same will apply, shall receive for the following services the following fees:

Issuing summons	$0.70
Each copy thereof	.40
Entering return thereon	.40
Issuing order of attachment	.70
Each copy thereof	.40
Entering return thereon	.40
Issuing order of injunction	.70
Each copy thereof	.40

Entering return thereon	.40
Issuing subpoena	.70
(All of the witnesses living in the same county ordered to be summoned at the same time shall be included in one subpoena, and the fee therefor shall not be increased.)	
Issuing the attachment for a witness	.70
Issuing order of arrest	.70
Each copy thereof	.40
Entering return thereon	.40
Issuing order of delivery	.70
Each copy thereof	.40
Entering return thereon	.40
Issuing each writ of possession	2.00
Docketing an action, motion or proceeding	.25
Order assigning cases to a division of court	.50
Warning order by clerk	.70
Order of clerk appointing warning order attorney	.70
Issuing a rule	.70
Each copy thereof	.40
Filing return on rule	.40
Endorsing each step taken in an action on a "step sheet" or envelope in the file or on the rule docket	.25
Filing a pleading	.40
Filing each exhibit or other paper not a pleading	.30
Swearing, entering attendance and issuing certificates of attendance of witnesses, each witness	.50
Each commission to take deposition	1.50
Filing a deposition, to be charged but once in each case, and all those contained in one envelope to be counted as one	.40
Taking a recognizance of a party or witness	.50
Entering or noting of record in order book each order or direction of the court, an order filing any pleading or other paper, each motion, demurrer, disposition thereof or ruling of the court or any other step taken, each	.50
Copy thereof	.50
Attendance in court, other than circuit court, upon each trial of an action, to be charged to each party for each trial	1.50

Attending by himself or by deputy and keeping order in the circuit court, to be paid out of the State Treasury, for each day	6.00
Swearing a jury	.75
Entering a judgment (other than equity action)	1.25
Each copy thereof	.75
Entering or recording a judgment in an equity action, for every ten words	.03
Taxation of costs of each party, to be charged to such party	.75
Each copy of a taxation of costs of each party, if called for	.50
Filing copy of costs taxed in the case file	.40
Issuing an execution, with all endorsements thereon	1.50
Each copy of an execution with all endorsements thereon	1.00
Recording an execution with endorsements, returns and all papers therewith, when real estate is sold, each ten words	.03
Copying a record for Court of Appeals or other purpose, each ten words	.03
Issuing a supersedeas	1.00
Each copy thereof	.40
Entering return thereon	.40
Filing each transcript on appeal	.40
Entering satisfaction, release, or discharge of a judgment in whole or in part in court or on an order book, to be paid by the party procuring the same	.75
Copying a pleading or other paper, each ten words	.03
Indexing in Plaintiff's and Defendant's General Index to suits, each name of parties to an action, to be charged for each listing and once in each case	.30
Indexing in Defendant's Index of Executions of each name of parties to such execution, to be charged for each listing and for each execution issued	.30
Indexing in Plaintiff's and Defendant's index of Judgments of each name of parties to a judgment, to be charged for each listing and for each judgment	.30
Each order made by the clerk in vacation or made by the clerk when the court is not	

in vacation	.70
Each order in the county court	.60
Each copy thereof when ordered	.40
Probate of a will and certificate, including all services relating thereto	1.50
Order granting an administration, or appointing appraisers of estate of any fiduciary	.75
Taking a bond for any fiduciary	1.50
Certificate of administration or copy of it	.75
Issuing a writ of idiocy or lunacy	1.00
Recording each inquisition under same	1.00
Each copy of such inquisition when ordered	1.00
Recording deed of trust or assignment for the benefit of creditors	2.70
Copy of same when ordered	1.25
Taking bonds required of the trustee or trustees in such cases, and including all services connected with it	2.70
Recording inventories required to be filed by the trustees, for every twenty words	.05
Each official certificate	1.50
Each bond required to be taken or prepared by the clerk	1.50
Taking a bond where no fee is fixed specially by law	1.50
Copy of any bond when ordered	1.50
Recording a bond, each bond	1.50
Receiving the acknowledgment or proof of any deed, mortgage or agreement, power of attorney, or other written instrument required by law to be done and certifying same	1.25
Recording powers of attorney, agreements, allotments of dower; division of land, wills, inventories, sale bills, settlements of fiduciary accounts, and certificates thereof, for every twenty words, or fraction thereof	.05
Recording any report of a commissioner, surveyor, assignee, trustee, receiver, administrator, executor, guardian or other official or person, each ten words	.03
Taking the acknowledgment or proof of a deed of real estate, certifying and recording the same and recording his own certificate,	

provided the entire record thereof does not exceed twelve hundred words	2.50
All over twelve hundred words, every twenty words	.05
Each additional certificate	.40
Each additional tract embraced in such deed, except town lots	.40
Copy of deed and certificate thereon	2.50
Recording the conveyance of personal or chattel property, taking the acknowledgment or proof thereof, and recording the orders and certificates, including the whole services	2.00
Each copy thereof	1.50
Recording a mortgage of real estate, certificates, and all services connected with the same, provided the entire record thereof does not exceed twelve hundred words	2.50
All over twelve hundred words, for every twenty words	.05
Copy of same	2.50
Recording mortgage of personalty	2.00
Copy of same	1.50
Recording, entering or noting release of any lien, mortgage or redemption other than a deed of release	.40
Receiving the acknowledgment, recording and certifying each deed of release of a mortgage or lien	1.50
Copying courses and distance of any deed, for each tract when demanded	.40
Recording plat laid down in the allotment of dower or division of land, for each tract thereof	.40
Recording or copying a plat or map of land, each lot	.40
Making a record for the establishment of a city, recording the plan or plat thereof, and all other services incident	6.75
Recording survey of a city, or any part thereof, or any addition to or extension of the boundary of a city	6.75
Every order concerning the establishment, changing, closing or discontinuing of roads, to be paid out of the county levy when the road is established, changed, closed or discontinued, and by the	

applicant when it is not	.50
Each order appointing a surveyor of road	.50
Each copy thereof	.50
(The last two named to be paid out of the county levy.)	
Each order in proceedings for private passways, to be paid by applicant	.50
Each copy of same, to be paid by applicant when ordered	.45
Each report of list of surveyors of roads made and furnished to the grand jury, to be paid out of the county levy	2.50
Copying a surveyor's report, for every twenty words or fraction thereof	.05
Administering an oath and certificate thereof	.75
Issuing license for which no other fee is fixed by law	1.50
Marriage license, bond, certificate and recording	3.00
Each order and certificate allowing any claim against the county treasurer or State Treasurer, where the claim exceeds five dollars, to be paid by the claimant	.70
Recording post notice of an estray, waif-boat or wreck, and advertising same	1.00

HB 563, AN ACT relating to medical care for indigent persons.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The General Assembly of the Commonwealth of Kentucky hereby recognizes and declares that it is an essential function, duty, and responsibility of the Government of this Commonwealth to provide, within its budgetary limitations, for the medical care of its citizenry.

Section 2. Kentucky Revised Statutes, Section 195.020 is amended to read as follows:

(1) The department shall exercise all functions of the state in relation to:

(a) Administration and supervision of state unemployment insurance.

(b) Administration and supervision of state employment offices.

(c) Administration and supervision of all forms of public assistance including general home relief, outdoor and indoor care for persons in need, old age assistance, aid to dependent children, and aid to the blind and otherwise handicapped.

(d) Administration of a medical program for indigent persons, including persons eligible for public assistance, general assistance and the medically indigent, with authority to administer all state appropriation for medical care purposes and to collect, receive, and expend funds from counties and municipalities for such medical care.

(e) Administration and supervision of services to needy, neglected, dependent and delinquent children, including adoptions.

(2) All administrative functions of the nature outlined above, heretofore performed by other agencies of the state, are hereby transferred to and shall hereafter be performed by the Department of Economic Security.

Section 3. As used in this Act unless the context clearly indicates otherwise:

(1) "Department" means the Department of Economic Security unless otherwise indicated;

(2) "Public Assistance Person" means a person who has been certified by the Division of Public Assistance of the Department of Economic Security as being eligible for public assistance under the provisions of Chapter 205 of the Kentucky Revised Statutes.

(3) "General Assistance Person" means a person who has been certified by the Division of Public Assistance of the Department of Economic Security as being eligible for tax supported public assistance for maintenance other than as provided under the provisions of Chapter 205 of the Kentucky Revised Statutes;

(4) "Medically Indigent Person" means a person who is domiciled in this state and who is unable, through his own resources or through resources available to him, to provide himself with essential medical care without depriving himself or his dependents of necessary food, shelter, clothing or the other necessities of life, and who does not fall within the definition of "Public Assistance Person" or "General Assistance Person" as defined in Subsection (2) and (3) of this section;

(5) "Medical Care" means essential medical, surgical, dental, and nursing services in the home, office, hospital, clinic, or other suitable place provided or prescribed by physicians or dentists licensed to render such service, including drugs and medical supplies, appliances, laboratory, diagnostic, and therapeutic services, nursing home and convalescent care, and such other essential medical services and supplies as may be prescribed by such persons;

(6) "Physician" means any person licensed to practice medicine or osteopathy in Kentucky;

(7) "Dentist" means a person licensed by the State Board of Dental Examiners to practice dentistry in Kentucky;

(8) "Hospital" means any institution licensed as such by the State Board of Health;

(9) "Nursing Home" means any institution licensed as such by the State Board of Health;

(10 "Federal-State Medical Care Fund" means a trust and agency fund established to receive federal and state deposits, maintained and operated by the Department of Economic Security as an arrangement to meet the cost of medical care for public assistance persons.

(11) "State-County Medical Care Fund" means a trust and agency fund established to receive state and county deposits, maintained and operated by the Department of Economic Security to meet the cost of medical care for general assistance persons and medically indigent persons;

(12) "Vendor Payment" means a payment for medical care which is paid by the Department of Economic Security directly to the authorized person or institution which rendered medical care to a public assistance person, general assistance person, or to a medically indigent person;

(13) "Council" means the State Indigent Medical Care Advisory Council.

Section 4. The Department of Economic Security shall have the power to do all things necessary to execute the administration of this Act, and shall adopt necessary rules and regulations relating to:

(1) Contracting with the State Department of Health for the purpose of carrying out all medical matters of the program for furnishing medical care to public assistance persons, general assistance persons and the medically indigent, including but not limited to the certifying of the cost, need, and reasonableness of medical expenses in accordance with quality and quantity standards and methods;

(2) The determination with the prior approval of the Governor of the priority of, and date upon which payments to public assistance persons, general assistance persons and the medically indigent may be included in the program according to the availability of funds;

(3) The designation by regulation, of the limitations, duration and frequency of medical care and vendor services that may be authorized for payment;

(4) The administration of grants, gifts, and contributions from the federal government, from county fiscal courts, from city legislative bodies, and from other sources for the purpose of carrying out the intent and purposes of this act;

(5) The establishment of and contribution to a federal-state medical care fund from funds appropriated from time to time by the General Assembly for medical care for public assistance persons;

(6) The establishment of and contribution to state-county medical care funds from funds appropriated from time to time by the General Assembly for medical care for general assistance persons and medically indigent persons on a variable formula contribution basis promulgated by the Department;

(7) The conducting of studies, research, demonstration and surveys to carry out the intent and purposes of this act;

(8) Vendor payments on behalf of public assistance persons, general assistance persons or the medically indigent for hospital, surgical or medical insurance and for direct payments for services, the scope of which may:

(a) Be confined to hospital care only; to general practitioners services only; or parts or combination thereof;

(b) Include or exclude home nursing care, dental care, drugs, laboratory services or parts or combination thereof;

. (c) Include or exclude any part of the services provided for under the definition of the term "Medical Care" in Subsection 4 of Section 3 of this act.

(9) For public assistance persons the quantity and quality standards must be uniform and effective throughout the state and all political subdivisions although cost may vary according to local prevailing rates. Quality and quantity may vary from county to county for general assistance persons and the medically indigent persons according to local funds available;

(10) The agreements and contracts for the administration of this act.

Section 5. The Department of Economic Security shall contract with the State Department of Health for the purpose of carrying out all medical matters relating to this Act including but not limited to, the certifying of the cost, need, and reasonableness of all medical expenses in accordance with quantity and quality standards and methods.

Section 6. The Department of Health shall have the power to:

(1) Contract with the Department of Economic Security with respect to carrying out of medical and associated functions by the Department of Health in connection with a program of medical care to public assistance, general assistance and medically indigent persons;

(2) Employ such technical, professional and other personnel that may be necessary in determining the cost, need and reasonableness of all medical expenses in accordance with quantity and quality standards and methods and any other duties of the Department of Health under any agreement or contract with the Department of Economic Security;

(3) The Department of Health shall appoint a County Medical Care Review Committee for each county of the Commonwealth consisting of three licensed physicians. The duties, responsibilities, and terms of office of such committees shall be defined by regulation. Appointments shall be made from a list of three names for each position submitted by each respective county medical society, however, the De-

partment of Health may, in lieu thereof, designate the physician members of county boards of health to serve in such capacity.

Section 7. Fiscal courts and city legislative bodies are hereby authorized and empowered to appropriate and contribute to a state-county medical care fund for general assistance and medically indigent persons of the county. Such appropriations and contributions shall be on a variable formula basis promulgated by the Department of Economic Security and shall be deemed to be essential governmental expenditures. The formula need not be uniform for the entire state but may vary from county to county and from city to city due to variations in population and economic and geographic conditions including resources, industrialization, tax assessments and tax rates, and other local factors and conditions.

Section 8. (1) There is hereby created a State Indigent Medical Care Advisory Council appointed by the Governor of the Commonwealth of Kentucky. The council shall advise the Commissioner of Economic Security and Department of Health in the administration of this Act. The council shall consist of nine members. The Commissioner of Economic Security and the Commissioner of Health shall be ex-officio members. The other seven members of the council shall hold office for a term of four years and until their successors are appointed and qualify, except that the members appointed to fill the first vacancy occurring for a term beginning on July 1, 1958, shall be as follows: Two members shall be appointed for one year, two for two years, two for three years, and one for four years, and the respective terms of the first member shall be designated by the Governor at the time of their appointment. Upon the expiration of the respective terms of the members first appointed, the term of each successor shall be four years or until his successor shall be appointed and qualify. No member of the council shall be a stockholder or have any financial interest in any hospital, nursing home, or related institution. One appointive member of the council shall be a physician licensed to practice medicine in Kentucky and shall be appointed from a list of three names submitted by the Kentucky State Medical Association. One member of the council shall be a dentist licensed to practice dentistry in Kentucky and shall be appointed from a list of three names submitted by the Kentucky State Dental Association. One member of the council shall be appointed from a list of three names submitted by the Kentucky Hospital Association. The other four appointive members shall be intelligent and discreet citizens residing within the Commonwealth, who are not members of professional groups which are recipients of vendor payments;

(2) Each appointive member of the council shall serve without compensation but shall be entitled to reimbursement for his actual expenses in attending meetings;

(3) The council shall elect a chairman, vice-chairman, and secretary from among its members at its first regular meeting in each fiscal year and may adopt rules and by-laws for its government. The council shall hold a meeting at least once every three months and such other special or regular meetings as may be desired;

(4) The State Advisory Council is authorized to appoint such statewide technical advisory committees as it deems necessary to aid in carrying out the functions of the council under this Act. The services of these technical advisory committees shall be free and without reimbursement for any expenses incurred;

(5) The council is hereby granted the authority to inspect and examine such records in possession of the Department of Economic Security and Department of Health pertaining to the operations of the medical care program, and may obtain from time to time statistical and other reports from each of the departments engaged in the administration of this Act.

Section 9. Any person who knowingly makes a false statement, or represents or knowingly fails to disclose a material fact or by impersonation or other fraudulent device obtains or attempts to obtain or aids or abets any person to obtain or attempt to obtain, any medical care benefits under the provisions of this Act shall be fined not less than ten dollars nor more than one hundred dollars, or imprisoned for not more than thirty days, or both. Each false statement, representation, failure, or violation, and each benefit payment made in reliance of such false statement, representation, failure or violation, shall constitute a separate offense.

Section 10. Payments into the Federal-State Medical Care Fund shall be irrevocable and shall:

(a) Be beyond the power of any department to use for any other purpose than that for which it was created; and

(b) Be dedicated to the payment of costs of medical care for public assistance persons. Federal-state medical care funds shall be subject to federal participation as an assistance expenditure for medical care in behalf of public assistance persons.

Section 11. Payments into the State-County Medical Care Fund shall be irrevocable and shall:

(a) Be beyond the power of any department to use for any other purpose than that for which it was created; and

(b) Be dedicated to the payment of medical care for general assistance persons and medically indigent persons with respect to which payments are made. State-County Medical Care Funds shall be subject to county participation as an assistance expenditure for medical care in behalf of general assistance persons and medically indigent persons.

Section 12. For payments under this Act and for cost of administration there is hereby appropriated without lapse to the Department of Economic Security for the fiscal year 1958-59 and fiscal year 1959-60 the amount set forth in House Bill No. 1 (Senate Committee Substitute) page 33 Re: "Indigent Medical and Health Program".

Section 13. This Act shall become effective on July 1, 1958.

HB 408, AN ACT relating to a county tax for cemetery maintenance.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Upon petition filed with the county clerk, the fiscal court of any county shall authorize a vote upon the levy of a tax for the benefit of old and neglected cemeteries. The petition shall contain the names of at least twenty-five percent of the legal voters residing in the county, as determined by the registration figures, and shall request the fiscal court to submit to public vote the question of whether the voters desire a levy for caring for and maintaining the old and neglected cemeteries in the county. The petition shall be filed not less than sixty days before any regular election in the office of the county clerk requesting that the proposition be placed upon the ballot, with the rate of tax desired, not to exceed fifty cents on each one hundred dollars of assessed real property.

Section 2. When the petition is filed, the county judge shall order a vote at the next election and shall cause the question to be printed on a separate ballot. If a majority vote in favor of the tax, the fiscal court shall at its next regular meeting levy the tax.

HB 506, AN ACT relating to gambling.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 436.230 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person who, with or without compensation, sets up, keeps, manages, operates or conducts or assists in setting up, keeping, managing, operating or conducting a keno bank, faro bank or other machine or contrivance used in betting whereby money or anything of value may be won or lost, or any person who, for compensation, percentage or commission, sets up, keeps, manages, operates or conducts a game of cards, oontz or craps, whereby money or anything of value may be won or lost, or with or without compensation, percentage or commission, assists in setting up, carrying on, managing, operating or conducting any game so set up, carried on, managed, operated or conducted for compensation, percentage or commission, shall be fined

five hundred dollars, and confined in the penitentiary for not less than one nor more than three years. In addition, he shall be deemed infamous after conviction, and be forever disqualified from exercising the right of suffrage and from holding any state, county or city office of honor, trust or profit. The judgment of conviction shall recite such infamy and disqualification and shall not be valid without the recital.

(2) Subsection (1) of this section shall not apply to persons who play at such games, machines or contrivances, unless they aid or take other part in setting up, conducting, keeping, managing or operating them.

(3) The change of the name of any of the games, banks, tables, machines or contrivances prohibited by subsection (1) of this section shall not prevent the conviction of any person violating the provisions of that subsection.

(4) Subsection (1) of this section shall not apply to persons who sell combination or French pools on any regular race track during the races on that track. An indictment for a violation of the provisions of subsection (1) of this section may charge the accused in one count with any or all of the offenses mentioned or included in that subsection.

Section 2. This Act shall become effective July 1, 1958.

HB 405, AN ACT relating to insurance, and amending certain sections of Chapter 304 of the Kentucky Revised Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 304.069 of the Kentucky Revised Statutes is amended to read as follows:

An insurer which otherwise qualifies therefor may be authorized to transact any one or more kinds of insurance as defined in KRS 304.340 to 304.356 of this code; except that a life insurer shall transact, in addition, only disability insurance, but any life insurer which immediately prior to September 1, 1950, held a certificate of authority to transact in this state certain kinds of insurance in addition to life and disability, may continue to be so authorized by the commissioner.

A life insurer may, subject to the investment limitations of Chapter 304 of the Kentucky Revised Statutes, create a wholly owned subsidiary which may transact any one or more of the kinds of insurance, (including life insurance) as defined in KRS 304.340 to 304.356 of this code, and a life insurer may, subject to the investment limitations of such code, acquire stock of another insurer authorized to transact any one or more of such kinds of insurance.

A title insurer shall be a stock insurer, and shall transact no additional kind of insurance, and a reciprocal or Lloyd's insurer shall not transact life insurance.

Section 2. Section 304.417 of the Kentucky Revised Statutes is amended to read as follows:

(1) An insurer may invest and have invested at any one time not in excess of an aggregate of ten percent of its assets in securities provided in KRS 304.418, preferred stock of any company organized under the laws of the United States, a state of the United States, or the District of Columbia, and any evidence of indebtedness of such companies, other than the types specified in KRS 304.411, 304.412, and 304.415, if such company has continuously and regularly paid the dividends provided for by preferred stock, or the interest provided for by such evidence of indebtedness, as the case may be, during the five years preceding the investment; except, that with respect to securities issued within such five-year period, the foregoing respective requirements as to interest and dividend payments shall apply only from the date of issuance, and in such cases the net earnings of the company and its subsidiaries available for fixed charges of the company and its subsidiaries and the net earnings of any predecessor organizations and their subsidiaries, if any available for fixed charges of such predecessor organizations and their subsidiaries, must have averaged an amount per annum for the five fiscal years preceding the making of the investment at least equal to two times the total of the annual interest charges (including amortization of debt discount and expense) and dividends guaranteed, if any, and, where applicable, the preferred dividend requirement on a pro forma basis.

(2) For the purposes of this section, the term "net earnings available for fixed charges" means net income after deducting operating and maintenance expenses, taxes other than federal and state income taxes, depreciation and depletion, but excluding extraordinary nonrecurring items of income or expense appearing in the regular financial statements of the issuing company.

Section 3. Section 304.418 of the Kentucky Revised Statutes is amended to read as follows:

(1) An insurer may invest in the stocks of state or national banks and trust companies, if:

(a) Such bank or trust company has been in existence for five years previous to the investment; and

(b) Such stock is not subject to assessment for double liability.

(2) An insurer may accept any such stock as collateral on a loan irrespective of such double liability.

(3) Investments under this section together with investments under KRS 304.417 shall not exceed ten percent of the insurer's assets.

Section 4. Section 304.839 of the Kentucky Revised Statutes is amended to read as follows:

The lives of a group of individuals may be insured under a policy issued to an employer, or to the trustees of a fund established by an employer, which employer or trustee is deemed the policyholder, insuring employes of the employer for the benefit of persons other than the employer, subject to the following requirements:

(1) The employes eligible for insurance under the policy shall be all of the employes of the employer, or all of any class or classes thereof determined by conditions pertaining to their employment. The policy may provide that the term "employes" shall include the employes of one or more subsidiary corporations, and the employes, individual proprietors, and partners of one or more affiliated corporations, proprietors or partnerships if the business of the employer and of such affiliated corporations, proprietors or partnerships is under common control through stock ownership, contract, or otherwise. The policy may provide that the term "employes" shall include the individual proprietor or partners if the employer is an individual proprietor or a partnership. The policy may provide that the term "employes" shall include retired employes. No director of a corporate employer shall be eligible for insurance under the policy unless such person is otherwise eligible as a bona fide employe of the corporation by performing services other than the usual duties of a director. No individual proprietor or partner shall be eligible for insurance under the policy unless he is actively engaged in and devotes a substantial part of his time to the conduct of the business of the proprietor or partnership.

(2) The premium for the policy shall be paid by the policyholder, either wholly from the employer's funds or funds contributed by him, or partly from such funds and partly from funds contributed by the insured employes, except that the entire premium may be paid from funds contributed by the insured employes if the amount of insurance does not exceed one thousand dollars on the life of any employe. A policy on which any part of the premium is to be derived from funds contributed by the insured employes may be placed in force only if at least seventy-five percent of the then eligible employes, excluding any as to whom evidence of individual insurability is not satisfactory to the insurer, elect to make the required contributions. A policy on which no part of the premium is to be derived from funds contributed by the insured employes must insure all eligible employes, or all except any as to whom evidence of individual insurability is not satisfactory to the insurer.

(3) The policy must cover at least ten employes at date of issue.

(4) The amounts of insurance under the policy must be based upon some plan precluding individual selection either by the employes or by the employer or trustees. No policy may be issued which provides term insurance on any employe which together with any other term insurance under any group life insurance policy or policies issued to the employers or any of them or to the trustees of a fund established in whole or in part by the employers or any of them exceeds twenty

thousand dollars, unless 150% of the annual compensation of such person from his employer or employers exceeds twenty thousand dollars, in which event all such term insurance shall not exceed forty thousand dollars or 150% of such annual compensation whichever is the lesser.

Section 5. Section 304.842 of the Kentucky Revised Statutes is amended to read as follows:

The lives of a group of individuals may be insured under a policy issued to a labor union, which shall be deemed the policyholder, to insure members of such union for the benefit of persons other than the union or any of its officials, representatives or agents, subject to the following requirements:

(1) The members eligible for insurance under the policy shall be all of the members of the union, or all of any class or classes thereof determined by conditions pertaining to their employment, or to membership in the union, or both.

(2) The premium for the policy shall be paid by the policyholder, either wholly from the union's funds, or partly from such funds and partly from funds contributed by the insured members specifically for their insurance. No policy may be issued on which the entire premium is to be derived from funds contributed by the insured members specifically for their insurance. A policy on which part of the premium is to be derived from funds contributed by the insured members specifically for their insurance may be placed in force only if at least seventy-five percent of the then eligible members, excluding any as to whom evidence of individual insurability is not satisfactory to the insurer, elect to make the required contributions. A policy on which no part of the premium is to be derived from funds contributed by the insured members specifically for their insurance must insure all eligible members, or all except any as to whom evidence of individual insurability is not satisfactory to the insurer.

(3) The policy must cover at least twenty-five members at date of issue.

(4) The amounts of insurance under the policy must be based upon some plan precluding individual selection either by the members or by the union. No policy may be issued which provides term insurance on any union member which, together with any other term insurance under any group life insurance policies issued to the union, exceeds twenty thousand dollars, unless 150% of the annual compensation of such person from his employer or employers exceeds twenty thousand dollars, in which event all such term insurance shall not exceed forty thousand dollars or 150% of such annual compensation, which ever is the lesser.

Section 6. Section 304.844 of the Kentucky Revised Statutes is amended to read as follows:

The lives of a group of individuals may be insured under a policy issued to the trustees of a fund established by two or more employers in the same industry or by one or more labor unions, which trustees shall be deemed the policyholder, to insure employes of the employers or members of the unions for the benefit of persons other than the employers or the unions, subject to the following requirements:

(1) The persons eligible for insurance shall be all of the employes of the employers or all of the members of the union, or all of any class or classes thereof determined by conditions pertaining to their employment, or to membership in the unions, or to both. The policy may provide that the term "employes" shall include retired employes, and the individual proprietor or partners if an employer is an individual proprietor or a partnership. No director of a corporate employer shall be eligible for insurance under the policy unless such person is otherwise eligible as a bona fide employe of the corporation by performing services other than the usual duties of a director. No individual proprietor or partner shall be eligible for insurance under the policy unless he is actively engaged in and devotes a substantial part of his time to the conduct of the business of the proprietor or partnership. The policy may provide that the term "employes" shall include the trustees or their employes, or both, if their duties are principally connected with such trusteeship.

(2) The premium for the policy shall be paid by the trustees either; (a) wholly from funds contributed by the employer or employees of the insured persons, or by the union or unions, or by both; or (b) partly from such funds and partly from funds contributed by the insured employes or members. No policy may be issued under the provisions of this section on which the entire premium is to be derived from funds contributed by the insured employes or members. A policy on which part of the premium is to be derived from funds contributed by the insured employes or members may be placed in force only if at least seventy-five percent of the then eligible employes of any employer unit participating in the trust, excluding any as to whom evidence of individual insurability is not satisfactory to the insurer, elect to make the required contributions. A policy on which no part of the premium is to be derived from funds contributed by the insured employes or members, must insure all eligible employes or members, or all except any as to whom evidence of individual insurability is not satisfactory to the insurer.

(3) The policy must cover at date of issue at least one hundred persons and not less than an average of five persons per employer unit; and if the fund is established by the members of an association of employers the policy may be issued only if; (a) either the participating employers constitute at date of issue at least sixty per cent of those employer members whose employes are not already covered from group life insurance, or the total number of persons covered at date of issue exceeds six hundred; and (b) the policy shall not require that,

if a participating employer discontinues membership in the association, the insurance of his employes shall cease solely by reason of such discontinuance.

(4) The amounts of insurance under the policy must be based upon some plan precluding individual selection either by the insured persons or by the policyholder, employers or unions. No policy may be issued which provides term insurance on any person which together with any other term insurance under any group life insurance policy or policies issued to the employers, or any of them, or to the trustees of a fund established in whole or in part by the employers, or any of them, exceeds twenty thousand dollars, unless 150% of the annual compensation of such person from his employer or employers exceeds twenty thousand dollars, in which event all such term insurance shall not exceed forty thousand dollars or 150% of such annual compensation, whichever is the lesser.

Section 7. There is hereby created a new section of Chapter 304 of the Kentucky Revised Statutes to read as follows:

An insurer may loan or invest its funds, to an amount not exceeding in the aggregate eight percent of its total admitted assets, in loans or in investments not qualifying or not permitted under Sections 304.400 through 304.450 of the Kentucky Revised Statutes. Loans and investments made under this section shall not be subject to the percentage limitations set out in sub-sections (1) and (2) of KRS 304.403, subsection (2) of KRS 304.408, KRS 304.411, 304.412, 304.413, 304.415, 304.417 and 304.418.

Investments permitted under the provisions of this section shall include the use of funds by an insurer in organizing a wholly owned subsidiary for the purpose of transacting any one or more of the kinds of insurance, including life insurance, as defined in KRS 304.340 to 304.356.

HB 604, AN ACT relating to compensation of county officers and employes, changing the rate for Justices of the Peace.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 64.530 of the Kentucky Revised Statutes is amended to read as follows:

(1) Except as provided in subsections (2) and (3) of this section, the fiscal court of each county shall fix the compensation of every county officer and employe. For the purposes of this Section, master commissioners and receivers in counties other than those containing a population of 75,000 or more, and justices of the peace and constables in all counties, shall be deemed to be county officers, and deputies or assistants of county officers shall be deemed to be county employes, but employes of county boards or commissions which are now author-

ized by law to fix the compensation of their employes shall not be deemed to be county employes for the purposes of this Section. In the case of officers compensated from fees, or partly from fees and partly by salary, the fiscal court shall fix the maximum compensation that the officer may receive, from both sources, and also shall have authority to fix the number of deputies and assistants, and the compensation thereof, and the maximum amount that the officer may expend each year for expenses of his office. In the case of county officers elected by popular vote, the annual compensation of the officer and his deputies and assistants shall be fixed by the fiscal court not later than the first Monday in May in the year in which such officers are elected.

(2) Nothing in this Section shall apply to county tax commissioners or their deputies, assistants and expenses, in any county, or to the circuit court clerk, county court clerk, sheriff, jailer, master commissioner or receiver, and their deputies, assistants and expenses, in counties having a population of 75,000 or more.

(3) Justices of the peace serving on the fiscal court in any county shall receive for their services not more than one hundred dollars per month, and county commissioners serving on a fiscal court in any county other than one containing a city of the first, second, third or fourth class, shall receive for their services not more than fifteen dollars per day. The fiscal court shall fix the amounts within the above limits. The compensation of county commissioners serving on fiscal courts in counties containing a city of the first, second, third or fourth class shall continue to be limited as provided in paragraphs (a) and (b) of subsection (1) of KRS 67.110, and nothing in KRS 64.480 to 64.760 is intended to authorize any change in such compensation during the term of any member. County commissioners or justices of the peace shall not receive any compensation for their services on the fiscal court, other than as provided in this Section or in paragraphs (a) and (b) of subsection (1) of KRS 67.110, nor shall they receive any compensation for serving on committees of the fiscal court.

(4) Circuit court clerks in counties other than those containing a population of 75,000 or more shall receive as compensation per year the maximum compensation allowed by law for circuit court clerks of this Commonwealth, provided fees or funds for this purpose are sufficient. The first deputy shall be allowed to receive a salary not to exceed $5400 per year; the second deputy shall be allowed to receive a salary not to exceed $4800 per year and other deputies shall be allowed to receive a salary not to exceed $3600 per year. Each circuit clerk shall be allowed to fix the amount of the salary of each of his deputy clerks.

HB 570, AN ACT relating to attorneys.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Notwithstanding the provisions of KRS 30.030 any applicant for admission to the practice of law in the Commonwealth of Kentucky who has graduated from the Jefferson School of Law with an LL. B. degree shall be admitted by the Court of Appeals to the practice of law without the necessity of his taking an oral or written examination.

HB 431, AN ACT relating to weights, measures and millers' tolls.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 363.280 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall use, sell, offer or expose for sale or hire or have in possession for the purpose of using, selling or hiring, a false weight or measure, or weighing or measuring device, or any device or instrument to be used to or calculated to falsify any weight or measure.

(2) No person shall dispose of any condemned weight or measure or weighing or measuring device in a manner contrary to law.

(3) No person shall remove from any weight, measure, or weighing or measuring device, any tag or seal or mark placed thereon by the department or by a city sealer.

(4) No person shall sell, or offer or expose for sale less than the quantity he represents of any commodity, thing or service.

(5) No person shall take more than the quantity represented of any commodity, thing or service where as buyer, agent or receiver, he furnishes the weight, measure, or weighing or measuring device by means of which the amount of the commodity, thing or service is determined.

(6) No person shall use in retail trade, except in preparation of packages put up in advance of sale, a weighing or measuring device which is not so positioned that its indications may accurately be read and the weighing and measuring operation observed from some position which may reasonably be assumed by a customer.

(7) No person shall sell, offer or expose for sale any commodity in package form unless the net quantity of the contents be plainly and conspicuously marked on the package, in terms of weight, measure, or numerical count.

Section 2. Section 363.285 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall sell, offer or expose for sale any commodity in any other manner than by net weight, liquid measure, linear measure, dry measure or numerical count.

(2) No person shall sell, offer or expose for sale any commodity so packed which is misleading to the buyer as to the net weight, measure or numerical count.

Section 3. A new section of the Kentucky Revised Statutes is added to read as follows:

None of the provisions of Chapter 363 shall apply to the compounding and dispensing of drugs by a registered pharmacist on a prescription.

Section 4. Section 363.990 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person who violates any of the provisions of KRS 363.050 shall be fined not less than ten nor more than one hundred dollars, or imprisoned for not more than six months, or both.

(2) Any person who violates any of the provisions of KRS 363.070 or 363.080 shall be fined not less than twenty-five nor more than five hundred dollars for each offense.

(3) Any person violating KRS 363.090 shall be fined not less than five nor more than twenty dollars.

(4) Any person who violates any of the provisions of subsection (1) of KRS 363.100 shall for each offense be fined five dollars for the use of the school district in which the mill is located.

(5) Any person who violates any of the provisions of subsection (2) of KRS 363.100 as to the time, order or quality of grinding or manufacturing, or the amount of toll, shall for each offense forfeit to the party injured ten dollars, recoverable before a justice of peace.

(6) Any person who violates any provision of KRS 363.170 to 363.290 shall, for each offense, be fined not less than one hundred nor more than one thousand dollars, or imprisoned for not less than three nor more than twelve months, or both.

HB 571, AN ACT relating to highways.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) Any person who allows heavy objects, such as wrecked motor vehicles, scrap metal or other material dangerous to highway travel to fall and remain upon the highway, shall, upon conviction, be fined not less than one hundred dollars nor more than five hundred dollars.

(2) The Department of Highways shall be responsible for the removal from the highway of the objects mentioned in subsection (1) of this Act.

HB 487, AN ACT relating to crimes and punishments.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 435.080 of the Kentucky Revised Statutes is amended to read as follows:

Any person who commits rape shall be punished by death.

Section 2. A new section of the Kentucky Revised Statutes is created to read as follows:

Any person who attempts to commit rape shall be confined in the penitentiary for not less than five nor more than twenty years.

Section 3. Section 435.090 of the Kentucky Revised Statutes is repealed.

HB 291, AN ACT to amend KRS 341.050 (5) (c) by including the employees of cities of the first class under "covered employment" for unemployment compensation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

KRS 341.050 (5) (c) is amended to read as follows:

Service performed in the employ of this state, or any political subdivision thereof or any of its municipalities, except that in counties containing cities of the first class, the employees of said cities of the first class shall be included under covered employment of this act, except elected officials of said cities of the first class shall be excluded.

HB 374, AN ACT relating to establishment and recordation of descent of real property.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. (1) An heir, or a person who derives title through an heir of a decedent who has died intestate as to any interest in real property in the Commonwealth, may within twenty years after the death of the decedent file a verified complaint in the circuit court of the county where the real property or any part thereof is situated, praying therein for a declaratory decree establishing the right of inheritance thereto, and setting out additionally the fact of the decedent's death, his residence at the time of his death, his intestacy as to the real property involved, the names, age and residence of all heirs entitled to inherit the real property, the relationship of the heirs to the decedent and the apparent interest of each heir in such real property. There shall also be set out in the complaint and be made parties therein, the heirs or devisees of any person who inherited from the decedent, but who died before the proceeding has been instituted, along with any purchasers or successors in title from such person and any lien-holders on the whole property or on the share of any person interested in the property, and including guardians ad litem for all infants, convicts in confinement, insane persons or other persons under disability, who may be parties in interest to such proceedings. Nonresidents shall be proceeded against as in other cases.

(2) Summons shall be issued and served upon all parties in interest along with a rule to show cause why the prayer of the complaint

should not be granted, returnable at such time as the court may direct. The issuance of a rule to show cause may be waived when all parties in interest unite in the complaint or when all parties enter their appearance.

(3) Upon the return of the rule to show cause, the circuit court shall hear the testimony and proof of the parties and determine all the issues raised. The court, when satisfied that all parties in interest are properly before the court and all necessary proof has been established, shall make a declaratory decree which sets out a description of the real property, that the right of inheritance thereto has been established to the court's satisfaction in open court in accordance with the facts as contained in the complaint and as recited in the decree, that at the death of the decedent, the heirs named in the decree were each entitled to the respective interest as determined by the court and recited in the decree.

Section 2. A certified copy of the decree shall be certified to and recorded in the office of the clerk of the county court of the county or counties in which such real property is situated, in the record of deeds and indexed in the general index of deeds, in the name of the decedent as if grantor, and in the name of each heir as if grantee. The fee for such recording and indexing shall be the same as for deeds. From the time when such copy is so recorded, the decree or record thereof shall be conclusive evidence against the world of the facts so declared to be established thereby.

Section 3. The taxable costs of this action shall include the costs of recordation and indexing in the office of the various county clerks, reasonable attorney's fees to be fixed by the court, and the costs of copying and certifying copies of the deeds, and other instruments by which the decedent acquired title; and those costs shall be taxed to all parties in interest in proportion as their fractional interests appear, and shall constitute a lien upon the land in the favor of the clerk of the circuit court in which the suit is brought.

Calendar

HB 398, HB 517, HB 532, HB 595, HB 446, HB 258, HB 402, HB 485, HB 493, HB 552, HB 285, HB 584, HB 222, HB 561, HB 264, HB 512, HB 433, HB 295, HB 583, HB 567, HB 459, HB 266, HB 392, HB 316, HB 219, HB 534, HB 395, HB 473, HB 562, HB 564, HB 574, HB 587, HB 586, HB 292, HB 432, HB 510, HB 355, HB 424, HR 104, HB 522, HB 463 ordered read at length for the second time. Ordered placed in Orders of the Day.

Orders of the Day

SB 200 taken from Orders of the Day upon recommendation of the Rules Committee. Representative Fitzpatrick moved that it be placed on passage. Agreed. Read at length for the third time.

On roll call, the vote was: Yeas, 65—Anderson, Bach, Bartley, Barton, Billington, Breckinridge, Buchanan, Buckner, Burke, Burress, Bush, Casey, Chaudoin, Clore, Coffey, E. E. Cook, Bill Cornett, P. W. Cornett, Cottengim, Crecelius, P. F. Davis, W. F. Davis, Dempsey, Farmer, Fields, Finney, Fitzpatrick, Hahn, Hale, Haley, Henry, Hinkle, Hopkins, Howard, Huddleston, Isler, H. N. Johnson, Kincer, Kingsbury, Lyon, McGuire, McReynolds, Mackey, Newberry, Nunn, Ockerman, Ratcliffe, Rausch, Ray, Raybourne, Rayburn, C. R. Reynolds, Smith, Sowards, Steiger, Stith, Tinsley, Walsh, Wathen, Wells, Whitehead, Willen, Wilson, Wirsch, Young; Nays, 1—Ford.

SB 200 was passed and the title agreed to.

HB 326 taken from Orders of the Day upon recommendation of the Rules Committee. Representative Fitzpatrick moved that it be placed on passage. Agreed. Read at length for the third time.

On roll call, the vote was: Yeas, 74—Anderson, Arnold, Bartley, Barton, Billington, Breckinridge, Buchanan, Buckner, Burke, Burress, Chaudoin, Clore, Combs, E. E. Cook, M. W. Cook, Bill Cornett, P. W. Cornett, Cottengim, Crecelius, P. F. Davis, Dempsey, Farmer, Fields, Finney, Fitzpatrick, Ford, Greene, Gullette, Hahn, Haley, Hart, Henry, Hinkle, Hodges, Hopkins, Howard, Huddleston, Isler, Kincer, Kingsbury, Lowman, Lyon, McCallum, McGuire, McReynolds, Mackey, Newberry, Nunn, Ockerman, Qualls, Ratcliffe, Rausch, Ray, Raybourne, Rayburn, Reed, Render, C. R. Reynolds, R. Reynolds, Searcy, Smith, Sowards, Steiger, Stith, Tanner, Tinsley, S. R. Thomas, Walsh, Wathen, Whitehead, Willen, Williams, Wilson, Wirsch; Nays, 0.

HB 326 was passed and the title agreed to.

HB 475 taken from Orders of the Day upon recommendation of the Rules Committee. Representative Fitzpatrick moved that it be placed on passage. Agreed. Read at length for the third time.

On roll call, the vote was: Yeas, 80—Anderson, Arnold, Bach, Bartley, Barton, Billington, Breckinridge, Brown, Buckner, Burke, Burress, Bush, Casey, Chaudoin, Clore, Coffey, Combs, E. E. Cook, M. W. Cook, Bill Cornett, P. W. Cornett, Crecelius, P. F. Davis, W. F. Davis, Dempsey, Duff, Farmer, Fields, Finney, Fitzpatrick, Ford, Greene, Gullette, Hahn, Hale, Haley, Hall, Hart, Henry, Hinkle, Hislope, Hodges, Hopkins, Howard, Huddleston, Isler, H. N. Johnson, Kincer, Kingsbury, Kubale, Lyon, McCallum, McGuire, McReynolds, Mackey, Moore, Newberry, Rausch, Ray, Raybourne, Rayburn, Render, C. R. Reynolds, R. Reynolds, Searcy, Smith, Sowards, Steiger, Stith, Tanner, Tinsley, Ed Thomas, S. R. Thomas, Wathen, Weintraub, Wells, Willen, Williams, Wilson, Wirsch; Nays, 0.

HB 475 was passed and the title agreed to.

HB 303 taken from Orders of the Day upon recommendation of the Rules Committee. Representative Fitzpatrick moved that Committee Substitute for **HB 303**, by way of Rules Committee Amendment, be read at length to the House and placed on passage. Agreed.

Rules Committee Amendment reads as follows:

Amend printed copy of **HB 303**, on page 1, lines 1 through 10 by striking lines 1 through 10 and substituting in lieu thereof the following:

Section 1. Section 212.640 of the Kentucky Revised Statutes is amended to read as follows:

(1) In any county containing a city of the second class, the fiscal court of the county and legislative body of the city of the second class may, by joint action, establish a city-county health department. The department, when established, shall be governed by a city-county board of health composed of seven members, two of whom shall be the mayor of said city, or his appointee, and the county judge, or his appointee, and five of whom shall be appointed by the joint action of the mayor of such city and county judge of such county. Each appointive member shall be not less than thirty years of age, intelligent, discreet and shall have been a continuous resident of such county for at least two years prior to the date of his appointment. Not more than three of said appointive members may be physicians. All appointed members shall be eligible for re-appointment.

(2) The original appointments to fill the five appointive positions on said board, provided for and created herein, shall be made in the following manner: Within thirty days after the formation of such city-county health department, the mayor and county judge shall appoint the five appointive members, one member for a term of one year, two for a term of two years, two for a term of three years. At the expiration of each of the aforesaid terms of office of said five appointive members originally appointed, the successor to each such member shall be appointed by the county judge and mayor for a term of office of three years and until his successor is appointed and qualified.

(3) Any vacancy in the said board occurring by reason of death, resignation, disqualification, removal, or otherwise, of any appointive member shall be filled as provided in KRS 212.390.

Adopted.

HB 303 as amended read at length to the House. On roll call, the vote was: Yeas, 70—Anderson, Arnold, Bach, Bartley, Barton, Billington, Breckinridge, Brown, Buchanan, Burke, Burress, Casey, Chaudoin, Clore, Coffey, Combs, E. E. Cook, M. W. Cook, Bill Cornett, Cottengim, Crecelius, P. F. Davis, Dempsey, Duff, Farmer, Fields, Finney, Fitzpatrick, Ford, Greene, Gullette, Hahn, Hale, Haley, Hall, Henry, Hislope, Hodges, Hopkins, Huddleston, Isler, Kincer, Kingsbury, Lovelace, Lyon, McCallum, McReynolds, Mackey, Newberry, Nunn, Peace, Qualls, Ratcliffe, Rausch, Ray, Raybourne, Rayburn, Render, C. R. Reynolds, Smith, Sowards, Steiger, Stith, Tinsley, S. R. Thomas, Weintraub, Wells, Whitehead, Wilson, Wirsch; Nays, 0.

HB 303 was passed and the title agreed to.

HB 309 taken from the Orders of the Day upon recommendation of the Rules Committee. Representative Weintraub moved that it be read for the third time and placed on passage. Agreed. Read at length for the third time.

On roll call, the vote was: Yeas, 70—Anderson, Arnold, Bach, Barton, Billington, Breckinridge, Buckner, Burke, Bush, Casey, Chaudoin, Clore, Coffey, Combs, E. E. Cook, M. W. Cook, Bill Cornett, Cottengim, Crecelius, P. F. Davis, W. F. Davis, Dempsey, Everett, Farmer, Fields, Finney, Fitzpatrick, Ford, Greene, Hahn, Hale, Haley, Hall, Henry, Hinkle, Hodges, Hopkins, Isler, Kincer, Kingsbury, Lyon, McGuire, McReynolds, Mackey, Moore, Newberry, Nunn, Ockerman, Peace, Qualls, Rausch, Ray, Rayburn, Reed, Render, C. R. Reynolds, Smith, Steiger, Stith, Tanner, Tinsley, S. R. Thomas, Wathen, Weintraub, Wells, Whitehead, Willen, Wilson, Wirsch, Young; Nays, 9—Bartley, Brown, Buchanan, Burress, P. W. Cornett, Duff, Hislope, Howard, H. Nick Johnson.

HB 309 was passed and the title agreed to.

Representative Weintraub moved that the vote by which **HB 309** was passed be reconsidered and said motion laid on the table. Agreed.

HB 310 taken from Orders of the Day upon recommendation of the Rules Committee. Representative Weintraub moved that it be placed on passage. Agreed. Read at length for the third time.

On roll call, the vote was: Yeas, 56—Anderson, Bach, Barton, Breckinridge, Buckner, Burke, Bush, Casey, Chaudoin, Clore, Combs, E. E. Cook, M. W. Cook, Bill Cornett, Cottengim, Crecelius, P. F. Davis, Finney, Fitzpatrick, Ford, Greene, Hahn, Haley, Henry, Hinkle, Hopkins, Isler, Kingsbury, Lyon, McGuire, Mackey, Moore, Newberry, Nunn, Ockerman, Peace, Qualls, Ratcliffe, Rausch, Ray, Raybourne, Rayburn, Render, Searcy, Smith, Steiger, Stith, Tanner, S. R. Thomas, Walsh, Wathen, Weintraub, Wells, Williams, Wilson, Young; Nays, 4—Arnold, Brown, Burress, Dempsey.

HB 310 was passed and the title agreed to.

Representative Weintraub moved that the vote by which **HB 310** was passed be reconsidered and said motion laid on the table. Agreed.

HB 241 taken from Orders of the Day upon recommendation of the Rules Committee. Representative Weintraub moved that it be placed on passage. Agreed.

Representative Weintraub moved the adoption of Committee Amendment to **HB 241** as follows:

Amend printed copy of **HB 241** on page 1, section 1, sub-1, line 2 by striking therefrom the word, "three" and inserting in lieu thereof the word "two".

Rejected.

Representative Wirsch moved to amend **HB 241** as follows:

Amend printed copy of **HB 241** on page 1, section 1, line 2 by striking the words, "first three classes," and substituting in lieu thereof the following: "second class"

Adopted.

HB 241 as amended read for the third time. On roll call, the vote was: Yeas, 47—Anderson, Arnold, Bach, Billington, Brown, Buchanan, Buckner, Burke, Casey, Chaudoin, Coffey, Combs, M. W. Cook, Bill Cornett, Cottengim, Crecelius, Dempsey, Farmer, Fields, Fitzpatrick, Ford, Haley, Hall, Henry, Hinkle, Hodges, Hopkins, Huddleston, Isler, Kingsbury, Kubale, Lyon, McReynolds, Mackey, Newberry, Qualls, Ratcliffe, Rayburn, Searcy, Stith, Tanner, Ed Thomas, S. R. Thomas, Walsh, Weintraub, Willen, Wirsch; Nays, 23—Bartley, Burress, Finney, Greene, Gullette, Hale, Howard, H. Nick Johnson, Lowman, McCallum, McGuire, Nunn, Ockerman, Peace, Raybourne, Reed, R. Reynolds, Smith, Sowards, Wells, Williams, Wilson, Young.

HB 241 was passed and the title agreed to.

Reconsideration

Representative Weintraub moved that the vote by which **HB 241** was passed be reconsidered and said motion laid on the table. Agreed.

Representative Weintraub moved that the vote by which **HB 475** was passed be reconsidered. Agreed.

Representative Weintraub moved the adoption of the following amendments:

Amendment No. 1:

Amend printed copy of **HB 475** on page 4, section 1, line 77 by deleting the figure "1959" and inserting in lieu thereof the figure "1960"

Adopted.

Amendment No. 2:

Amend printed copy of **HB 475** on page 5, section 3, line 11 by inserting immediately after line 11 the following:

"(3) In counties having a population of 75,000 or more the County Fiscal Court, upon request of either the Clerk of the County Court or the Sheriff of the county, shall enter an appropriate order authorizing the participation in the system, said order to be duly recorded in the records of the Fiscal Court. Provided, however, anything in this Act to the contrary, notwithstanding, the Fiscal Court shall not be liable for "normal contribution" or "prior service liability contribution" with reference to the County Court Clerk and his employees and deputies and the Sheriff and his employees and deputies, and further that the "normal contribution" and "prior service liability contribution" shall be considered office expenditures and shall be paid by the County Court Clerk and by the Sheriff respectively."

Adopted.

Amendment No. 3:

Amend printed copy of **HB 475** on page 5, section 3, lines 8 and 9 by deleting the words "July 1 coinciding with or next following the proper entering and signing of the order authorizing participation" and inserting in lieu thereof the words "July 1st of any year following the effective date of this Act."

Adopted.

Amendment No. 4:

Amend printed copy of **HB 475** on page 5, section 5, line 6 by deleting the word "which" and inserting in lieu thereof the word "with"

Adopted.

Amendment No. 5:

Amend printed copy of **HB 475** on page 13, section 16, line 6 by deleting the word "county" and inserting in lieu thereof the word "state"

Adopted.

Amendment No. 6:

Amend printed copy of **HB 475** on page 13, section 16, line 6 by deleting the word "county" and inserting in lieu thereof the word "state"

Adopted.

HB 475 as amended read for the third time.

On roll call, the vote was: Yeas, 64—Anderson, Arnold, Bach, Bartley, Billington, Breckinridge, Brown, Buchanan, Buckner, Burke, Burress, Bush, Casey, Chaudoin, Clore, Coffey, Combs, Bill Cornett, P. W. Cornett, Cottengim, Crecelius, P. F. Davis, W. F. Davis, Dempsey, Duff, Farmer, Finney, Fitzpatrick, Greene, Hahn, Hale, Haley, Hall, Henry, Hinkle, Hislope, Hopkins, Howard, Isler, Lowman, Lyon, McCallum, Mackey, Moore, Newberry, Nunn, Peace, Qualls, Ratcliffe, Rausch, Ray, Rayburn, Render, Smith, Sowards, Steiger, Stith, Walsh, Wathen, Weintraub, Whitehead, Willen, Wirsch, Young; Nays, 0.

HB 475 was passed as amended and the title agreed to.

HB 377 taken from Orders of the Day on recommendation of the Rules Committee. Representative Weintraub moved that it be read by title only and placed on passage. Agreed. **HB 377** read for the third time.

On roll call, the vote was: Yeas, 62—Anderson, Arnold, Bach, Bartley, Barton, Billington, Breckinridge, Brown, Buchanan, Buckner, Burke, Burress, Bush, Casey, Chaudoin, Clore, Coffey, Bill Cornett, P. W. Cornett, Cottengim, Crecelius, P. F. Davis, W. F. Davis, Dempsey, Duff, Fields, Finney, Fitzpatrick, Greene, Gullette, Hahn, Hall, Henry, Hinkle, Hislope, Hopkins, Howard, Isler, Lyon, McCallum, McGuire, McReynolds, Mackey, Newberry, Nunn, Ockerman, Peace, Qualls, Rausch, Ray, Raybourne, Rayburn, Render, Searcy, Smith, Sowards, Steiger, Weintraub, Wells, Whitehead, Wirsch, Young; Nays, 0.

HB 377 was passed and the title agreed to.

Representative Weintraub moved that when the House adjourns on March 11 it do so until 7:00 p.m., March 12. Rejected.

Representative Weintraub moved that when the House adjourns on March 11 it do so until 4:00 p.m., March 12. Agreed.

Introductions

The following bills and resolutions were introduced:

HR 108, by Representative Hall, A JOINT RESOLUTION requesting the Highway Department to erect and maintain guard rails on highways.

HR 111, by Representative Stith, A JOINT RESOLUTION appropriating three thousand dollars for rebinding court record books.

HR 112, by Representative Clore, A JOINT RESOLUTION authorizing civil action against the Commonwealth of Kentucky and the Department of Highways of Kentucky, or either of them, in the interest of Carlos Vincent Clark.

HR 113, by Representative Hale, A JOINT RESOLUTION appropriating twenty thousand dollars to the Prestonsburg Disaster Committee.

HB 608, by Representative Cottengim, AN ACT relating to the interstate system of highways.

HB 609, by Representative Fitzpatrick, AN ACT relating to partnerships.

HB 610, by Representative Hale, AN ACT relating to school buses and their operation.

HB 611, by Representative Fitzpatrick, AN ACT relating to the Kentucky Water Pollution Control Commission.

HB 612, by Representative Combs, AN ACT relating to investment of funds by the board of trustees of state employes and county retirement systems.

HB 613, by Representative Chaudoin, AN ACT relating to insurance and amending KRS 304.103.

HB 614, by Representative Chaudoin, AN ACT relating to insurance and amending KRS 304.512.

HB 615, by Representative Qualls, AN ACT relating to the sale of motor vehicles.

HB 616, by Representative Fitzpatrick, AN ACT relating to compensation of state officers and employes.

HB 617, by Representative Moore, AN ACT relating to the making or delivering of a check, draft or order not backed by sufficient funds; presumption of fraud.

HB 618, by Representatives Lowman, Greene, AN ACT relating to road work performed by Department of Highways personnel, equipment and materials.

HB 619, by Representative Render, AN ACT relating to marriage of imbeciles.

HB 620, by Representative Wirsch, AN ACT relating to disability and retirement benefits to policemen and firemen in cities of the fourth class.

HB 621, by Representative Casey, AN ACT relating to certification of teachers.

HB 622, by Representative Bill Cornett, AN ACT relating to school bus drivers.

HB 623, by Representative Bill Cornett, AN ACT relating to school busses.

HB 624, by Representative Bill Cornett, AN ACT relating to school bus drivers.

HB 625, by Representative Haley, AN ACT making unlawful certain competitive practices relating to selling or advertising any article or product, or any service or output of a service trade.

HB 626, by Representative Haley, AN ACT relating to liability of tobacco warehousemen and the rights of purchasers of tobacco sold at auction.

HB 627, by Representatives Gullette, Sowards, Bach, Hodges, R. Reynolds, Hart, Brown, Dempsey, Whitehead, Qualls, Wirsch, Moore, Duff, P. W. Cornett, Peace, Coffey, Hall, Fields, Howard, Bartley, AN ACT relating to waterworks systems in water districts and in cities of the second to sixth classes.

Representative Weintraub moved that the House adjourn until 1:00 p.m., March 11. Agreed.